

## 1. Short Title

### *House Bill*

Section 1: Aviation Investment and Reform Act for the 21<sup>st</sup> Century

### *Senate Amendment*

Section 1(a): Air Transportation Improvement Act.

### *Conference Substitute*

Section 1: Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century

## 2. Length of authorization

### *House Bill*

The remainder of 1999 plus 5 years.

### *Senate Amendment*

The rest of 1999 plus 2000, 2001, 2002.

### *Conference Substitute*

Except for research title, the length of the authorization is 4 years -- 2000 through 2003.

## 3. AIP Authorization

### *House Bill*

Section 101: \$2.41 billion in FY 99, \$2.475 billion in FY 2000, \$4 billion in 2001, \$4.1 billion in 2002, \$4.25 billion in 2003, \$4.35 billion in 2004. Amends section 47104(c) in order to continue program.

### *Senate Amendment*

Section 103: FY2000 - \$2.475 billion, FY2001 - \$2.410 billion, FY2002 - \$2.410 billion  
Also amends sections 47104(c) to allow DOT to make grants.

### *Conference Substitute*

Section 101 of the conference substitute: \$2.475 billion in 2000, \$3.2 billion in 2001 increasing \$100 million each year thereafter. Amends section 47104(c). Subsection (c) of section 101 allows the FAA's operations account to be reimbursed from the AIP program for money spent to operate the airport office.

## 4. F & E authorization

### *House Bill*

Section 102: Such sums as may be necessary in fiscal year 2000. \$2.5 billion in fiscal year 2001. \$3 billion in fiscal year 2002. \$3 billion in fiscal year 2003. \$3 billion in fiscal year 2004.

### *Senate Amendment*

Section 102: FY1999 – \$2.131 billion, FY2000 - \$2.689 billion, FY2001 - \$2.799 billion, FY2002 - \$2.914 billion. Requires the establishment of life cycle cost estimates of ATC modernization projects where life cycle cost estimate equals or exceeds \$50 million.

### *Conference Substitute*

Section 102: Senate amounts in 2000, \$2.66 billion in 2001, \$2.914 billion in 2002, and \$2.981 billion in 2003.

Section 102(e): Life cycle cost estimates from Senate bill.

The managers do not intend that the amounts authorized for fiscal years 2001 through 2003 by section 48101 of Title 49 be used for any programs, projects, or activities that were funded in fiscal year 2000 solely in accounts other than the Facilities and Equipment Account (Treasury identification number 69-8107-0-7-402).

## 5. Universal access systems (UAS)

### *House Bill*

Section 102(b): Authorizes \$8 million for the voluntary purchase and installation of UAS.

### *Senate Amendment*

No Provision.

### *Conference Substitute*

Section 102(b). Same as House bill. FAA is directed to work with organizations representing airports and airline pilots to rapidly deploy the continuously-updated data needed on approved flight crew members that will allow universal access systems to properly operate. Existing systems that currently deliver data and other information to airport computer systems should be used if they will achieve rapid deployment and provide the best cost, benefit, and security of standard data. The FAA should partner with industry to develop the universal data and standards needed to make such security systems quickly available, and utilize digital networks that are designed for airport sponsors and therefore maximize the incentives to deploy universal security systems on a voluntary basis.

## 6. Alaska National Airspace Inter-facility Communications System (ANICS)

### *House Bill*

Section 102(c): Authorizes \$7.2 million from the F&E account for this system.

ANICS is an Air Traffic Satellite Network that provides a state-of-the-art inter-facility communications system for the Federal Aviation Administration (FAA) Alaska region. The network consists of four hub earth stations and up to 160 remote sites located throughout Alaska. Capable of providing critical air traffic control and safety in one of the harshest environments on earth, ANICS replaces an aging legacy system that is expensive to operate, limited in range, subject to failure, and lacking an existing backup.

### *Senate Amendment*

No Provision.

### *Conference Substitute*

Section 102(c). Same as House bill.

## 7. Automated Surface Observation System & Automated Weather Observing System

### *House Bill*

Section 102(d): Authorizes such sums as may be necessary from the F&E account for upgrades to these systems if the upgrade is successfully demonstrated.

Section 740: Directs FAA to contract with National Academy of Sciences (NAS) to study the effectiveness of automated weather forecasting systems at flight service stations where there is no human weather observer.

### *Senate Amendment*

Section 106: Prohibits FAA from terminating human weather observers for ASOS stations until 60 days after DOT determines that the system provides consistent reporting of changing weather and notifies Congress in writing of that determination.

Section 446: Authorizes such sums as may be necessary out of F&E account for upgrades to AWOS/ASOS systems, if the upgrade is successfully demonstrated.

No provision on NAS study.

### *Conference Substitute*

Sections 102(d) and 728: Senate.

## 8. FAA operations authorization

### *House Bill*

Section 103: Authorizes such sums as may be necessary in 2000. \$6.45 billion in fiscal year 2001. \$6.886 billion in fiscal year 2002. \$7.357 billion in fiscal year 2003. \$7.86 billion in fiscal year 2004.

### *Senate Amendment*

Section 101: FY1999 - \$5.632 billion, FY2000 - \$5.784 billion, at least \$9.1 million of which shall be used to support air safety efforts through payment of U.S. membership obligations. FY2001 - \$ 6.073 billion. FY2002 - \$6.377 billion.

### *Conference Substitute*

Section 103: \$6.6 billion in 2001 and the House Operations authorization levels in subsequent years with Senate \$9.1 million payment for ICAO from Senate bill.

## 9. Wildlife hazard mitigation

### *House Bill*

Section 103(a)(2)(A): Authorizes \$450,000 per year from the Operations account for wildlife hazard mitigation measures and management of FAA wildlife strike database.

*Senate Amendment*

Section 101: Same provision.

*Conference Substitute*

Section 103(a): House & Senate.

10. University Consortium

*House Bill*

Authorizes \$2 million per year from the operations account for a university consortium to provide an air safety and security certificate management program except that the money may not be used to construct a building and must be awarded competitively.

*Senate Amendment*

Section 101: Authorizes \$9.1 million for 3 fiscal years (starting with FY2000) for the same purpose and with the same restrictions.

*Conference Substitute*

Section 103(a): Senate provision, beginning in 2001.

11. General Aviation & Tilt-rotor Aircraft

*House Bill*

Section 103(a)(3): Subparagraph (B) authorizes a general aviation and vertical flight office in FAA. Subparagraph (C) authorizes such sums to revise air traffic control procedures to accommodate tilt-rotor aircraft.

*Senate Amendment*

No Provision.

*Conference Substitute*

Section 103(a): Revise subparagraph (B) of House bill, now Subparagraph (C), to read: Such sums as may be necessary to support infrastructure systems

development for both general aviation and the vertical flight industry.  
Section 103(a): House Subparagraph (C).

## 12. Runway Incursions

### *House Bill*

Section 103(a)(2)(E): Authorizes \$3 million per year to implement the 1998 airport surface operations safety plan.

Section 121 makes runway incursion prevention devices eligible for AIP grants and directs that these devices be considered safety devices for the purposes of funding priorities.

### *Senate Amendment*

Section 205(m): Specifies that "integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" are considered safety devices for purposes of airport development, making them AIP eligible.

### *Conference Substitute*

Section 103(a): House provision but authorizes \$3.3 million in 2000 & \$3 million thereafter.

Section 121: Runway incursion devices as in House and Senate bills.

## 13. Emergency Medical Service (EMS)

### *House Bill*

Section 103(a)(2)(D): Authorizes such sums as may be necessary for a helicopter infrastructure to accommodate EMS flights to hospitals.

### *Senate Amendment*

No Provision

### *Conference Substitute*

Section 103(a). Same as House bill.

## 14. Air cargo security

### *House Bill*

Section 103(a): Authorizes such sums as may be necessary to hire additional inspectors to enhance air cargo security.

### *Senate Amendment*

No provision.

### *Conference Substitute*

House.

## 15. Security screeners

### *House Bill*

Section 103(a)(2)(G): Authorizes such sums as may be necessary to develop or improve training programs for security screeners at airports.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 103(a): House bill but with revised language

## 16. Office of airline information

### *House Bill*

Section 103(d): Authorizes \$4 million per year from the Trust fund beginning in fiscal year 2001 to fund the Office of Airline Information in DOT's Bureau of Transportation Statistics.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 103(b): House.

## 17. Floor and cap on AIP discretionary fund

### *House Bill*

Section 104(a): Eliminates cap on discretionary fund. Floor would be the amount needed to ensure letters of intent are funded.

### *Senate Amendment*

Section 201: Eliminates \$300 mil cap on discretionary fund.

### *Conference Substitute*

No provision. The cap on the discretionary fund was eliminated by section 5 of Public law 106-6, 113 Stat. 10.

## 18. Entitlement formula

### *House Bill*

Section 104(b): Beginning in fiscal year 2001, triples primary airport entitlement, triples the \$500,000 minimum entitlement, and eliminates the \$22 million entitlement cap.

### *Senate Amendment*

Section 205(i): Increases the minimum entitlement from \$500,000 to \$650,000 beginning in FY2000.

### *Conference Substitute*

Section 104: In any fiscal year in which the amounts actually available for AIP are at least \$3.2 billion, the minimum entitlement for primary airports is increased to \$1 million, all other entitlements for primary airports are doubled and the primary airport entitlement cap is raised to \$26 million. If the amount actually made available for AIP were less than \$3.2 billion, the Senate provision (increasing the minimum entitlement to \$650,000) would apply, for that fiscal year.

## 19. Entitlement for primary airports that had experienced a temporary but significant interruption in air service.

### *House Bill*

Section 104(b)(2): FAA shall allow these primary airports to get their previous year entitlement if the interruption in air service there caused passenger traffic to fall below 10,000.



*Senate Amendment*

Section 205(k): Similar provision. Uses “may” rather than “shall.” Interruptions due to “an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.”

*Conference Substitute*

Senate

20. Entitlement for new airports

*House Bill*

Section 104(b)(2): Allows new primary airports to get at least the minimum entitlement.

*Senate Amendment*

No provision.

*Conference Substitute*

House. Section 104(a).

21. Cargo airports

*House Bill*

Section 104(c): Increases the cargo airport entitlement from 2.5% to 3% of AIP.

*Senate Amendment*

Section 205(j): Same entitlement increase. Removes the 8-percent limitation on the amount that any one airport can receive from the cargo apportionment.

*Conference Substitute*

Section 104(b): Senate except the 8% limitation is removed only in years when the amount available for AIP is at least \$3.2 billion.

## 22. State entitlement

### *House Bill*

Section 104(d): Increased from 18.5% to 20% beginning in fiscal year 2001 with corresponding changes in the portion going to the territories and possessions. Provides an annual entitlement for each general aviation that is equal to 1/5 of the 5-year cost estimate for airport improvements for that airport as listed in the NPIAS, to a maximum of \$200,000 per year.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 104(c): No change in existing law except in those years when the amount available for AIP is at least \$3.2 billion. In those cases, the House entitlement provision is adopted but the maximum entitlement for general aviation airports is reduced to \$150,000.

## 23. Alaska, Puerto Rico, Hawaii

### *House Bill*

Section 104(e): Allows state entitlement money to be used at any public airport in those states, not just general aviation airports.

### *Senate Amendment*

Section 205(a): Same provision.

### *Conference Substitute*

Section 104(c). House & Senate.

## 24. Airfield pavement

### *House Bill*

Section 104(g): Allows the use of State highway construction standards for airfield pavement at non-primary airports served by small aircraft (less than

60,000 pounds gross weight) if that will not adversely affect safety or the life of the pavement.

Section 124: Makes pavement maintenance at general aviation and small commercial service airports eligible for AIP grants.

*Senate Amendment*

Section 205(l): Similar provision except limited to airports with runways that are 5,000 feet or less. An airport taking advantage of this provision cannot apply for AIP funds for runway rehab or reconstruction for 10 years.

Senate section 1306: Directs FAA to consider awards to non-profit research foundations to study airfield pavement.

*Conference Substitute*

Section 104(c): Senate section 205 but allow an airport taking advantage of this provision to apply and receive an AIP grant if the FAA determines the rehabilitation or reconstruction is necessary for safety.

Section 123: Adopts House section 124.

Section 905: Adopts Senate section 1306.

## 25. Planning

*House Bill*

Section 104(f): Allows state entitlement money to be used for system planning.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 104(c): House.

## 26. Alaska

### *House Bill*

Section 104(i): is similar to section 205(b) of the Senate bill and section 104(j) is similar to section 205(c) of the Senate bill. Both make technical changes suggested by FAA. Also, triples the Alaska AIP supplemental entitlement.

### *Senate Amendment*

Section 205(b): In addition to entitlements and state apportionment, clarifies that Alaska is entitled to a “supplemental” apportionment (vs. alternative), available to all airports.

Section 205(c): Removes requirement that FAA can’t make a grant to an Alaska airport that exceeds 110 percent of the Alaska supplemental apportionment in a given year.

Section 408(d): Permits 12 acres at Lake Minchumina, Alaska to be conveyed to Iditarod Area School District.

### *Conference substitute*

Section 104(c)&(d): House & Senate.

Section 104(d): Doubles the Alaska supplemental entitlement if the amount available under section 48103 for AIP is at least \$3.2 billion.

Section 754: Adopts Senate section 408(d).

## 27. Noise

### *House bill*

Section 104(h): Increases noise set-aside from 31% to 34% of the discretionary fund. Makes noise mitigation projects approved in an environmental record of decision eligible for AIP grants.

Section 157: Allows FAA to make AIP grants for noise abatement even if the noise is caused primarily by military aircraft.

### *Senate Amendment*

Section 204: Increases noise set-aside from the discretionary fund to 35%.

Section 212: If any discretionary money is left over at the end of the year, it can be used for noise abatement activities.

Section 461: Requires EPA study of aircraft noise, to include recommendations for new noise mitigation efforts in communities around airports. Sec. 1103 requires similar study by GAO.

Section 506(e)(2): Requires DOT report 3 years following the use of the first of the new 30 slot exemptions at O'Hare on impact of additional slot exemptions on safety, environment, noise, access to underserved markets, and competition at O'Hare.

Section 506(f)(1): Requires DOT to assess impact of DCA slot exemptions on safety, noise levels, and the environment, to include an environmental assessment with a public meeting.

Section 506(f)(3): For MWAA to get an AIP grant, it must submit written assurance that at least 10 percent of its grants will be used for eligible noise compatibility planning and programs (as long as funds aren't diverted from high priority safety projects). DOT may waive if MWAA in compliance with Part 150 program. Sunsets in 5 years if MWAA in compliance with Part 150 program.

Section 506(f)(4): DOT required to certify biannually that at DCA, noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to small and medium hubs within perimeter have been maintained at appropriate levels.

Section 506(g): Priority for noise set-aside funds given to projects at and around LaGuardia, JFK and DCA.

Section 506(f): Requires DOT study on community noise levels around 4 high density airports, comparing pre-1991 noise levels to noise levels when all Stage 3 requirements are in effect.

Section 1101: DOT required to collect and publish air carrier information regarding carrier's operating practices that encourage pilots to follow FAA guidelines on noise abatement.

Section 1102: Requires GAO report on FAA aircraft engine noise assessment, including recommendations on new measures for FAA to ensure consistent measurement of aircraft engine noise.

Section 1503] Requires DOT study and report to Congress on aspects of transition to Stage 4 noise requirement.

### *Conference Substitute*

Section 104(e): Increases noise set-aside to 34%.

Section 154 of conference substitute adopts section 157 from House bill.

Section 745: In lieu of sections 461 and 1103 of the Senate bill, directs GAO to do a study that encompasses the items requested by the House in a letter to GAO on 4/30/99 as well as the items listed in section 461(b) and the second sentence of 1103(a). Study due in one year.

Section 231(e) – (g): Adopts several noise related provisions from the Senate bill involving the four high-density airports.

## 28. General Aviation Metropolitan Access and Reliever (GAMAR) Airport Grant Fund

### *House Bill*

No provision.

### *Senate Amendment*

Section 460: DOT required to set up a new apportionment category and set aside 5% of AIP grant funds for general aviation metropolitan access and reliever airports, which are defined as airports with annual operations exceeding 75,000, 5,000-foot runways, precision instrument landing procedure, a minimum of 150 based aircraft, and where the air carrier airports experiences at least 20,000 hours of annual delays. The apportionment is distributed to states on a pro rata basis, according to the number of operations at its GAMAR airports.

### *Conference Substitute*

Section 104(f): Set aside of two-thirds of 1% of the discretionary fund for reliever airports if AIP is at least \$3.2 billion in a year. The reliever airports that qualify are the same as those specified in the Senate bill except the minimum number of based aircraft is to be determined by the FAA rather than set at 150 as specified in the Senate bill.

## 29. Reprogramming

### *House Bill*

No provision

*Senate Amendment*

Section 104: DOT shall submit explanation of proposed reprogramming to authorizing Committees when required to submit them to Appropriations Committees.

*Conference Substitute*

Section 105(a): Senate.

30. Budget submission

*House Bill*

Section 106: FAA shall submit its annual budget estimates to the authorizing Committees at the same time it submits them to the Appropriations Committees.

*Senate Amendment*

Section 906: Requires DOT to submit the FAA-prepared budget request to the President, who then transmits it unchanged to the House and Senate authorizing and appropriating committees, along with the President's own annual budget request for the FAA.

*Conference Substitute*

No provision as this is already covered by section 48109. However, the Managers expect the submission under that section to include the line item justification called for in the Senate bill.

31. AIP eligible items

*House Bill*

Sections 122 & 124: Makes emergency call boxes, universal access systems, pavement maintenance at non-primary airports, closed circuit weather surveillance equipment, and windshear detection equipment eligible to be paid for with AIP funds. Directs that the runway incursion prevention devices be considered safety devices for the purposes of funding priorities.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Sections 121, 122 of Conference Substitute: House section 122 to the extent these items are certificated or approved by the FAA. Makes FAA-approved stainless steel adjustable lighting extensions AIP eligible.

Section 139 adds a provision permitting the establishment of a pilot program under which design-build contracts may be used at airports.

If certified by the Administrator, the Conferees urge the Administrator to evaluate the effectiveness of the Light Detection and Ranging Technology (LIDAR) which measures windshear.

The Conferees recognize that airports experience considerable runway downtime during new construction and runway maintenance projects; the Conferees urge the Administrator to evaluate whether or not utilizing stainless steel adjustable lighting-extensions is effective and if it will minimize runway shutdowns.

## 32. Enhanced vision technologies

### *House Bill*

Section 123: Mandates a FAA study of laser, ultraviolet, infrared, and cold cathode technologies within 180 days. Makes them eligible for AIP funds. Requires FAA to transmit to Congress a certification schedule for them within 180 days.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 124: House but with revised language.

## 33. Conveyances of airport property

### *House Bill*

Section 136: Gives airports priority for receiving surplus government property. Requires public notice and comment before FAA waives restrictions on the use of



airport property. Decision must be published in Federal Register and interests of users must be taken into account. Also changes references to “gifts”.

#### *Senate Amendment*

Section 205(h)(1): Similar provision. Also changes references to “gifts”.

Section 208: Requires 30 days notice before FAA waives an assurance that property will be used for aeronautical purposes.

Section 408: Rewrites section 47125(a). Authorizes the FAA to waive deed restrictions on airport property if the property is not needed for airport purposes, the property will be used solely to generate revenue for the airport, the FAA gives 30 days notice to the original owner of the property, provides public notice, justifies the release, and determines that it will benefit civil aviation.

#### *Conference Substitute*

Section 125: Adopts section 208 of the Senate bill insofar as it requires notice to the public 30 days in advance and is effective for any waiver issued on or after the date of enactment. The provision is extended to cover FAA actions under section 47125 or 47153 of Title 49. After the FAA gives notice under this section, it should consider any comments it receives.

Section 135(d) & Section 136: House & Senate on priority for receiving surplus property and on references to gifts. This section does not apply to surplus property transfers covered by the BRAC process based on advice from the FAA that current law excludes them.

Section 749 & 750: In lieu of section 408 of the Senate bill, adopt two specific deed restriction removals, one for Pinal and the other for Yavapai, both in Arizona.

### 34. Matching share

#### *House Bill*

Section 126: Allows for a Federal share of less than 90% at general aviation airports receiving grants under the state block grant program.

Allows for a Federal share of 100% at general aviation and non-hub airports in the first year (FY 2001) that the higher funding levels are in effect.

*Senate Amendment*

Section 203: Allows for a Federal share of less than 90% at any general aviation airport.

*Conference Substitute*

Section 126: House with respect to its provision on the 90% Federal share.

35. Letters of Intent (LOIs)

*House Bill*

Section 127. The requirement that the project must significantly enhance system capacity is limited to LOIs for medium or large hub airports.

Makes clear that an airport need not impose a PFC in order to get a letter of intent.

*Senate Amendment*

Section 434: Makes clear that an airport need not impose a PFC in order to obtain an LOI.

*Conference Substitute*

Section 127: House.

36. Small airport fund set-aside

*House Bill*

Section 128: Sets aside \$15 million or 20%, whichever is less, of the non-hub portion of the small airport fund to help these airports meet the new small airport certification standards. This set-aside lasts 5 years unless FAA determines that all airports have met the certification standards.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 128(a): House.

37. Notification of source of grant

*House Bill*

Section 128(b): Requires airports receiving grants from the small airport fund to be notified that that is the source of the grant.

*Senate Bill*

No provision.

*Conference Substitute*

House. Section 128(b)

38. Turbine powered aircraft

*House Bill*

Section 128(c): In making grants from the general aviation airport portion of the small airport fund, the FAA shall give priority to projects that support operations by jet aircraft as long as the local share will be at least 40%.

*Senate Amendment*

Section 205(n): Same provision.

*Conference Substitute*

Section 128(c): House and Senate.

39. Discretionary use of unused entitlements

*House Bill*

Section 129: In situations where an airport cannot use its entitlement funds during the current fiscal year, this section specifies how long the funds are available and changes the current law so that the FAA does not have to have additional contract authority available at all times to cover the carry-over entitlement amount.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 129: House. The purpose of this provision is to allow the temporary conversion of unused AIP entitlement money as discretionary money, whether or

not, at the time of the conversion, the AIP program has already been authorized for the following fiscal year.

Paragraph (1) states that if FAA learns that an airport will not use its entitlement money in the current fiscal year, FAA may make a discretionary AIP grant to any other airport. In effect, this permits a temporary conversion of entitlement money into discretionary money.

Paragraph (2)(A) provides that if FAA makes a discretionary grant under paragraph (1), and the current fiscal year is the last year of availability of the converted entitlement (i.e., the 3<sup>rd</sup> or 4<sup>th</sup> year of the term of availability under §47117(b)), the original airport will lose that entitlement money. That is, the conversion does not extend the entitlement term. However, if the current fiscal year is not the *last* year of that entitlement, the airport will get that entitlement money back, when funds become available under an authorization.

Paragraph (2)(B) determines how long that entitlement will remain in effect. If the restored entitlement money becomes available (under an authorization) in the same fiscal year as the fiscal year in which the conversion occurred, or in the following fiscal year, there is no change to the entitlement term. That is, it remains available to the original airport for a total of three or four fiscal years, as provided in 49 USC 47117(b). But if the money does not become available (under an authorization) until a still later fiscal year, then the original entitlement term is extended by the number of complete fiscal years during which there was no money, that is, the number of complete fiscal years in the authorization lapse.

Paragraph 3(A) provides that when new money is provided under a reauthorization and this new money is used to restore an entitlement, the amount that can be used for new discretionary grants is reduced by that amount. This is to reflect the fact that prior discretionary grants have already been made using that amount.

Paragraph 3(B) allows an amount that has been restored to an entitlement to be used again for a discretionary grant if the airport associated with the entitlement is still not ready to use the entitlement money.

Paragraph (4) provides that these provisions do not create grant authority above that made available under section 48103.

#### 40. Military Airports

##### *House Bill*

Section 130: Increases number of military airports from 12 to 15 in 2000 and to 20 thereafter. Requires that at least one be a general aviation airport in 2000 and at least three thereafter. Allows subsequent designation periods to be less than 5

years. Increases the amount that can be spent on terminal buildings from \$5 million to \$7 million. Adds air cargo terminals of less than 50,000 square feet to the section on eligibility of hangars and increases the amount they are eligible to receive from \$4 million to \$7 million.

Section 104(h): makes technical change in military airport program.

#### *Senate Amendment*

Section 438: Increases number of military airports eligible for grants from 12 to 15. Allows subsequent designation periods to be shorter than 5 years.

Section 453: Increases number of military airports eligible for grants from 12 to 15. Allows at least one to be a general aviation airport.

#### *Conference Substitute*

Section 130: House but limited to 15 airports, only one of which may be a general aviation airport. Makes clear that joint use airports are eligible by inserting “the airport is used jointly by military and civil aircraft” at the beginning of paragraph (a)(2) of section 47118 of Title 49. Also, makes the designation of the general aviation airport permissive by changing “shall” to “may” in the subsection on designation of general aviation airport.

### 41. Contract tower program

#### *House Bill*

Section 131: Expands the current program by requiring the establishment of a program to contract for air traffic control services at Level I towers that would not otherwise qualify for the contract tower program. Lists factors to be used in choosing towers for participation including that the benefit to cost ratio is at least .85 and that the tower is at an airport where air service is subsidized under the essential air service (EAS) program. Requires participating airports to share in the cost. Authorizes \$6 million per year from the FAA’s Operations account under section 106(k) of Title 49 for this program.

#### *Senate Amendment*

Section 213: Establishes a pilot program to contract for air traffic control services at Level 1 towers that would otherwise not qualify for the contract tower program. Lists different factors for participation including that the benefit to cost ratio is at least 0.5. Allows up to \$1.1 million for tower construction at not more than 2 airports. Authorizes \$6 million per fiscal year.

### *Conference Substitute*

Section 131: Adopts 0.5 standard from Senate bill. Adopts essential air service provision from House bill.

Takes the money from section 106(k) as in the House bill.

Authorizes grants of not more than \$1.1 million each to two airports for tower construction. These grants would have to come from the airports passenger entitlement. The Federal share would be limited to 75% of the cost of construction.

## 42. Innovative financing

### *House Bill*

Section 132. Permits Secretary to approve 25 innovative financing projects at small hubs or non-hubs limited to the following types of projects:

- (1.) payment of interest.
- (2) commercial bond insurance.
- (3) flexible non-federal share.

These cannot give rise to a direct or indirect guarantee of any airport debt.

### *Senate Amendment*

Section 202: Similar provision.

Limited to 20 projects but not limited to only small hubs and non-hubs. Includes, but is not limited to the three types of projects in the House bill.

### *Conference Substitute*

Section 132: House bill limited to 20 projects. A fourth type of project is added. It would allow entitlement funds to be used to pay off debt incurred before the date of enactment on a terminal development project.

## 43. Inherently low-emission airport vehicle pilot program

### *House Bill*

Section 134: Directs the Secretary to carry out a pilot program at not more than 10 airports using AIP funds to pay for the construction of facilities needed by low-emission vehicles, the additional cost of purchasing a low emission vehicle, and the acquisition of equipment needed for the use of such vehicles. Specifies the

type of airports that would qualify and the criteria to be used in selecting them. Allows a participating airport to use 10% of its funds for technical assistance. The Federal share is 50%. No airport may receive more than \$2 million. A report to Congress is required within 18 months.

#### *Senate Amendment*

Section 444: Similar provision but if not enough applications in the non-attainment area, projects can be done outside that area. Requires not less than 10% of funds to be used for technical assistance. \$500,000 for best practices by a western regional consortium.

#### *Conference Substitute*

Section 133: Senate provisions except include the House provision on 10% for technical assistance and delete the \$500,000 for the western regional consortium. Add language authorizing the FAA to develop materials for dissemination of best practices obtained from pilot project and other sources for carrying out low-emission vehicle activities.

This provision authorizes a pilot program under which FAA is to issue grants to 10 airports for the acquisition of low emission vehicles and supporting infrastructure. Unlike other AIP grants, the Federal share is 50%. Grant selection should be targeted to airports submitting plans that would achieve the greatest emissions reductions per dollar of funds provided. Qualifying airports should be located in areas not attaining federal air quality standards. Grants of up to \$2 million per airport could be made.

Grants are designed to assist airports in procuring clean vehicles which meet ultra low emission vehicle and Inherently Low Emission Vehicle standards and with building the fueling infrastructure for these vehicles. It is expected that the vehicles will be primarily natural gas or electric. The infrastructure and related equipment eligible for funding is intended to be primarily alternative fuel stations and vehicle charging stations.

### 44. Airport Security Program

#### *House Bill*

Section 133: Requires Secretary to carry out at least one project to test and evaluate innovative aviation security systems. Specifies who qualifies, which projects get priority, and the Federal share. Authorizes \$5 million per year.

#### *Senate Amendment*

Section 105: Similar provision.

*Conference Substitute*

Section 134. Senate provision.

45. PFC waivers

*House Bill*

Section 135(b): Allows an airport to request that the PFC be waived (A) for passengers enplaned by a class of airlines if the number of enplanements by the airlines in the class constitute less than 1% of the total number of passengers at the airport and (B) for passengers flying to an airport that has less than 2,500 passengers per year and is in a community that has less than 10,000 people and is not connected to the National Highway System.

*Senate Amendment*

Section 205(g): Similar provision except that (B) makes waiver permissible for passengers flying to an airport that has fewer than 2,500 passengers per year OR is in a community that has fewer than 10,000 people and is not connected to the National Highway System or vehicular way.

Section 205(f): Prohibits PFC on flights or flight segments between 2 or more points in Hawaii.

*Conference Substitute*

Section 135: Senate with modifications including adding a provision as follows: A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility fee or the use of the revenue from the passenger facility fee.

46. Terminal development at former primary airports

*House Bill*

Section 135(a): Allows an airport to continue to get grants for terminal development under a multiyear agreement even if it falls below 10,000 annual enplanements.



*Senate Amendment*

Section 205(d): Allows a primary airport to get grants from discretionary fund according to a multiyear agreement, even if the airport becomes a nonprimary airport.

*Conference Substitute*

Section 135(c). Senate. Adds a provision providing the same treatment for commercial service airports that become non-commercial service airports.

47. Intermodal connections

*House Bill*

Section 137: Encourages the development of intermodal connections and makes airport construction or the purchase of capital equipment for intermodal connections eligible for AIP grants.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 137: House with revised language.

48. State Block grant program

*House Bill*

Section 138: Increases the number of state block grant states from 9 to 10.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 138: House but not effective until October 1, 2001.

49. Eligibility for PFC Funding

### *House Bill*

Section 151: Treats the shell of the building and fueling facilities as “related” to gates so that the shell and fueling facilities are eligible to be built using PFCs.

### *Senate Amendment*

Section 210: Allows an airport to use passenger facility charges (PFC’s) to fund the shell of a terminal building and adjacent fueling facilities if that would enable additional air service to be provided by a carrier that has less than 50% of the passengers at the airport.

### *Conference Substitute*

Section 151: Similar to House and Senate provisions but with revised language.

## 50. Terminal development costs

### *House Bill*

Section 152: (1) Allows non-hub and small hub airports that carried out terminal development after August 1, 1986 to use PFC money to repay the costs if passenger levels declined 16% between 1989 and 1997.

(2) Allows non-hub and small hub airports that carried out terminal development between the specified dates to use entitlement funds to help pay off the debt incurred for such development.

(3) Directs the Secretary to make the determination of whether an airport is a commercial service airport (for the purpose of eligibility for discretionary grants for terminal development) on the basis of the type of air service and number of passenger in the current year or preceding year, whichever is most beneficial to the airport.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 152: Adopts the House on (1) and (3) only. Provision number (2) is addressed in section 132, the innovative financing provision, which is described in item 42 above.

## 51. ILS inventory

### *House Bill*

Section 153(a): Requires \$30 million to be used for instrument landing systems (ILS's) from 2000 to 2002.

### *Senate Amendment*

Section 102(b): Requires that at least \$30 million be spent annually out of F&E account to purchase and install ILS's on an expedited basis, fiscal years 1999 through 2002.

### *Conference Substitute*

Section 153 adopts House provision.

## 52. Loran – C and Wide Area Augmentation System (WAAS)

### *House Bill*

Section 153(b): Requires Loran –C to be maintained and upgraded.

### *Senate Amendment*

Section 410: FAA shall develop WAAS to provide navigation and landing approach capabilities for civilian use. Until FAA certifies that WAAS is a sole means navigation system, backup system must be maintained.

### *Conference Substitute*

No Provision.

## 53. Competition plans

### *House Bill*

Section 125: Beginning in fiscal year 2001, requires medium and large hub airports that are dominated by 1 or 2 airlines to file competition plans before they can get AIP grants or approval for new PFCs.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 155: House with revisions. Beginning in 2001, certain airports cannot get approval for a new passenger facility charge (PFC) or receive an AIP grant unless the airport has submitted a competition plan to the Secretary. Lists the contents of

that plan. The airports affected by this requirement are medium and large hub airports at which one or two carriers have more than half of the passenger enplanements. The underlying purpose of the competition plan is for the airport to demonstrate how it will provide for new entrant access and expansion by incumbent carriers. By forcing the airport to consider this, it would be more likely to direct its AIP or PFC money to that end. It is not the Managers intent that the competition plan be challenged in court in order to slow down or stop an airport improvement project. Nor should competition projects take precedence over safety or security ones. However, within the class of non-safety projects, those that would enhance competition should usually be given priority.

#### 54. Rural aviation improvement in Alaska

##### *House Bill*

No provision.

##### *Senate Amendment*

Section 412: (1) When changing its rules affecting intrastate aviation in Alaska, FAA shall consider the extent to which Alaska relies on aviation and shall establish the appropriate regulatory distinctions.

(2) Authorizes \$2 million and directs the FAA to install closed circuit weather surveillance equipment at no less than 15 rural Alaskan airports and provides for the dissemination of this information to pilots.

(3) Requires the development and implementation of a “mike-in-hand” weather observation program in Alaska under which near real time weather information will be provided to pilots.

(4) Authorizes \$4 million for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

##### *Conference Substitute*

Section 156: Includes rulemaking directive & “mike – in – hand” provisions ((1) and (3)) from the Senate bill.

#### 55. Pavement conditions report

### *House Bill*

Section 735: Requires a report within 18 months on the impact of alkali Silica reactivity distress on airport runways and taxiways and on ways to mitigate and prevent that distress.

Section 156: Directs FAA to study the use of recycled materials in airport pavement. One year and \$1.5 million is provided for the study.

### *Senate Amendment*

Section 211: FAA shall evaluate options for improving the information available on pavement conditions and report to Congress in 12 months.

Section 443: Authorizes FAA study on extent of alkali silica reactivity-induced pavement distress in concrete runways, taxiways and aprons.

Section 1308: Requires DOT study on the applicability of techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program, to the research needs of airports.

### *Conference Substitute*

Section 157 of the Conference substitute adopts House section 156.

Section 160 adopts Senate section 211.

Section 743: House and Senate provisions on Alkali Silica.

Section 906 adopts Senate section 1308 but requires DOT to consult with the National Academy of Sciences and appropriate industry organizations.

## 56. Construction of runways

### *House Bill*

Section 155: Allows AIP grants for construction of runways notwithstanding any other provision of law.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 158 adopts House provision.

## 57. Timely announcement of grants

### *House Bill*

Section 158: Requires DOT to announce AIP grants in a timely fashion after receiving the necessary documents from FAA.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 159(a) adopts House provision.

Section 159(b) adds a provision stating that if any Committee of Congress is given advance notice of an AIP grant, House Transportation & Infrastructure Committee and Senate Commerce Committee must get the same notice at the same time.

## 58. Capacity enhancements

### *House Bill*

No provision.

### *Senate Amendment*

Section 206: DOT must report in 9 months on efforts to implement, and time frame for implementation, of capacity enhancements, both technical and procedural, such as precision runway monitoring systems.

### *Conference Substitute*

Section 161 adopts Senate provision.

## 59. Discretionary grants

### *House Bill*

No provision.

### *Senate Amendment*

Section 207: FAA should give lower priority to requests for discretionary grants from airports that have used entitlement grants for projects that have a lower priority than the projects for which discretionary funds are sought.

### *Conference Substitute*

Section 162: Senate

#### 60. Passenger facility charge (PFC) increase

### *House Bill*

Section 105: Allows FAA to approve a PFC up to \$6 if the higher PFC will pay for a project that will make a significant contribution to safety, security, increased competition, reduced congestion, or reduced noise and that project cannot be expected to be paid for from AIP. Airports can utilize the higher PFC for surface or terminal projects only if the airside needs of the airport are being paid for. Medium or large hub airports charging the higher PFC must give back 75% of their entitlement.

Entitlement reductions occur in the first fiscal year following the year in which the collection of the PFC began.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 105: House but allow FAA to approve a PFC only up to \$4.50.

The section also holds harmless an airport that moves from a small hub to medium hub status. It states that such an airport should not receive less in AIP entitlement and PFC revenue as a medium hub than it received in such revenue as a small hub. This could occur because, as a medium hub, it would have to turn back half its entitlement. This provision would reduce the amount of its turn-back to ensure that it does not end up with less money.

Under the law governing passenger facility charges, FAA is directed to prescribe regulations which establish the portion of a PFC which the airlines may retain to reimburse them for their necessary and reasonable expenses in collecting and handling the fees. The law specifically requires that the airline fee be net of any interest accruing to the airline after the collection and before remittance of the fee to the airport. A number of air carriers have communicated to the conferees their views that the cost of collection allowed by current FAA regulations, \$.08, is too low. While the Conferees did not evaluate the correctness of these claims, we

believe that the airlines should be given the opportunity to demonstrate their correctness in a rulemaking proceeding. As soon as the airlines submit the evidence necessary for evaluation of their claim the FAA shall make its final decision within 180 days.

#### 61. Policy for air service to rural areas.

##### *House Bill*

Section 204: Adds to the list of policies – ensuring that consumers in all regions including small communities and rural and remote areas have access to affordable scheduled air service.

##### *Senate Amendment*

No provision.

##### *Conference Substitute*

Section 201. Adopts section 204 of House bill.

#### 62. Waiver of local contribution

##### *House Bill*

Section 203: Permits 2 small communities to receive subsidized essential air service without having to pay a local share.

##### *Senate Amendment*

Section 503(c): Similar provision (applies to Dickinson, ND, and Fergus Falls, MN).

##### *Conference Substitute*

Section 202: House & Senate.

#### 63. Air Service Development program



### *House Bill*

Section 202: Provides \$25 million in contract authority from the Trust Fund for grants to underserved airports (defined as nonhubs or small hubs with insufficient air service or unreasonably high air fares (more than 19 cents per mile)) to help them market and promote their air service. In making grants, priority should be given airports that put up a local share from non-aviation revenue sources.

### *Senate Amendment*

Sections 501–504: DOT shall establish a 4-year program administered by a program director who shall work with communities and carriers, ensure that data is collected, provide an annual report to Congress, select up to 40 communities to participate in an \$80 million program to improve air service at small communities. This program is limited to communities where a public-private partnership exists and that are willing to put up at least 25% of the cost. The program director may make grants of not more than \$500,000 per year to small communities (no more than 4 in one state) to assist communities improve their air service. The program director also may help ensure that gates are available and facilitate joint fare arrangements. \$80 million is authorized for this program.

### *Conference Substitute*

Section 203: Subsection (a) requires DOT to establish a pilot program to help improve air service to airports not receiving sufficient air service. Subsection (b) sets forth the application requirements for a community or group of communities that want to participate in the program. The application should include information justifying the community's need to participate in the program. Subsection (c) describes the criteria for participation. In order to participate, a community must be a non-hub or small hub with insufficient air service or unreasonably high airfares. The total number of communities or groups of communities that can participate is limited to no more than 4 in any one state and no more than 40 overall. Priority should be given to communities that have high air fares, will provide a local share of the cost, will establish a public-private partnership to facilitate airline service, and where assistance will provide material benefits to a broad segment of the traveling public. The local share should not come from airport revenues. DOT and the communities are given flexibility as to the types of programs that will best serve to improve service at the local airport. Marketing and promotion of air service is encouraged. Any direct subsidy to an air carrier is limited to 3 years. DOT should designate an official responsible for this program. DOT should take action to ensure that interested communities and Members of Congress are aware of the name and title of the official so designated.

*House Bill*

No provision.

*Senate Amendment*

Section 465: If reliable and competitive EAS service is jeopardized at a large hub where one carrier has more than 50 percent of the annual enplanements, DOT is authorized to require the dominant air carrier to take action to enable the EAS provider to offer reliable and competitive service. Action includes interline agreements, ground services, subleasing of gates.

*Conference Substitute*

Section 204: Similar to the Senate provision but limited to service to large hubs where one carrier has more than 60 percent of the total annual enplanements.

65. Mandatory interlining

*House Bill*

No provision.

*Senate Amendment*

Section 310: Requires a major airline that interlines with any carrier at a large hub in the 48 States where it (or another airline) carries 50% of the passengers, to interline within 30 days of a request with carriers offering service to a community in the section 41743 program (air service program for small communities) and that meet certain requirements. DOT must review any agreement and the agreement may be terminated if the other party fails to meet its terms.

*Conference Substitute*

No provision.

66. Determination of distance from hub airport

*House Bill*

Section 205: In making a determination as to whether a community is eligible for essential air service under the distance criteria, DOT shall measure the distance using the most commonly used highway route between the community and the hub airport.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 205 adopts House provision with modified language.

67. Sense of Senate, EAS

*House Bill*

No provision.

*Senate Amendment*

Section 462: Sense of the Senate that retaining EAS service in small communities is difficult, FAA should consider relieving Dickinson (ND) of its EAS match requirement. Requires DOT report on retaining EAS, to focus on North Dakota.

*Conference Substitute*

Section 206: Senate.

68. Study of marketing practices

*House Bill*

No provision.

*Senate Amendment*

Section 505: With 180 days, DOT shall review the marketing practices of air carriers that may inhibit the availability of air service to small and medium communities. If DOT finds marketing practices that inhibit service, DOT may issue rules to address the problem.

*Conference Substitute*

Section 207: Senate.

69. Airline marketing disclosure

*House Bill*

No provision.

### *Senate Amendment*

Section 430: Requires DOT to issue a rule in 90 days to provide better notice of the actual name of the airline providing the transportation. The Secretary may take into account the proposed rules previously issued.

### *Conference Substitute*

No provision. This issue has already been addressed by a DOT rulemaking at 64 FR 12838, March 15, 1999.

## 70. E-tickets

### *House Bill*

No provision.

### *Senate Amendment*

Section 507: Airlines must notify passengers of the expiration of their electronic tickets.

### *Conference Substitute*

Section 221: Senate. It is the intention of the Manager that oral notice at time of purchase is sufficient notification.

## 71. Airline Customer Service

### *House Bill*

No provision.

### *Senate Amendment*

Title XIV: Airline customer service plans to be submitted to DOT. DOT to transmit a copy of each plan to authorizing committees. DOT IG to monitor the implementation of each plan, and evaluate and report on how each airline is living up to its commitment. IG status report due 6/15/00. Final report due 12/31/00. Directs DOT to initiate rulemaking within 30 days of enactment to increase domestic baggage liability limit. Penalty for violations of aviation consumer laws and regulations increased from \$1,100 to \$2,500 per violation. GAO directed to study "hidden city" and "back-to-back" ticketing to determine the effect of allowing these practices on consumers and small communities. Authorizes annual

appropriations from the trust fund of between \$2.3 and \$2.6 mil (FY00-FY03) for the DOT to enforce airline consumer protections.

*Conference Substitute*

Section 222 - 226: Senate, but don't specify that the money for the DOT consumer office is to come out of the Trust Fund. Also add a reference to section 41705 (preventing discrimination against the handicapped) as one of the responsibilities of the DOT consumer office. The final report due at the end of the year should also include a comparison of the customer service of airlines that submitted plans to DOT with those that did not submit such plans. DOT's recent action raising the baggage liability limit could satisfy the directive in section 225.

## 72. Airline Quality Service Reports

*House Bill*

No provision.

*Senate Amendment*

Section 463: DOT required to modify Airline Service Quality Performance Reports (14 CFR Part 234) to disclose more accurately the reasons for air travel delays and cancellations. The categories and reporting requirements to be determined by FAA, in consultation with airline passengers, air carriers, and airport operators.

*Conference Substitute*

Section 227: Senate but revised to direct the Secretary to modify the airline service quality performance reports required under 14 CFR 234 to more fully disclose to the public the nature and source of delays and cancellations experienced by air travelers. The Secretary is directed to establish a task force within 90 days of the date of enactment of this Act including FAA officials and representatives of airline consumers and air carriers to develop alternatives and criteria for such change. Such modifications shall include a means for DOT to report, and a requirement that air carriers submit information, on delays and cancellations in categories that reflect the reasons for such delays and cancellations.

## 73. Commission to Ensure Consumer Information and Choice in the Airline Industry

*House Bill*

No provision.

*Senate Amendment*

Title XII: Commission to study consumer access to information about the products and services of the airline industry, the effect on the marketplace of the emergence of new means of distributing such products and services, the effect on consumers of the declining financial condition of travel agents, and the impediments imposed by the airline industry on distributors. The study shall include policy recommendations to help consumers. Prescribes membership on commission. Initial report 6 months after appointments, commission disbanded 30 days after final report.

Title XVI: Duplicate provision.

*Conference Substitute*

Section 228: Establishes a commission to study the financial condition of travel agents, especially small travel agents. The Commission should study whether the financial condition of travel agents is declining, what effect this will have on consumers, if any, and what, if anything, should be done about it.

74. Loan guarantees

*House Bill*

Section 211: Authorizes funding for loan guarantees and other credit instruments for the purchase of regional jets to serve underserved communities.

*Senate Amendment*

Section 508: Study of such a loan guarantee program within 2 years.

*Conference Substitute*

Section 210: House

75. Deregulation Commission

*House Bill*

No provision.

### *Senate Amendment*

Section 454: Establishes a commission to study the impact of airline deregulation on small communities. 15 members, 5 appointed by President (one from rural area), 3 by Senate Majority Leader, 2 by Senate Minority Leader, 3 by House Speaker, and 2 by House Minority Leader. 2 of House appointees from rural area, 2 of Senate appointees from rural area. Appointment 60 days after enactment, 1<sup>st</sup> meeting within 30 days later. \$950,000 authorized for FY2000. Commission disbanded 90 days after report, which is due 18 months after enactment.

### *Conference Substitute*

No provision.

## 76. Slots in New York

### *House Bill*

Section 201(a):

- (a) Effective March 1, 2000, slot restrictions are eliminated for new or additional regional jet service. Regional jets are defined as those with 70 or fewer seats.
- (b) Effective January 1, 2007, slot restrictions are eliminated entirely.

### *Senate Amendment*

Section 506: Eliminates the high density rule (HDR) at LaGuardia and JFK, effective 2007.

Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Eliminates the "exceptional circumstances" criterion for new entrant/limited incumbent slot exemption requests. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

Carriers required to continue serving small hub and nonhub (and smaller) airports where the carrier provides this service on or before date of enactment using slot

exemptions or slots issued for specific-city service, until 2 years after the HDR lifted at LaGuardia and JFK. Doesn't apply if carrier can demonstrate loss on the route to DOT.

Regional jets would be eligible for slot exemptions for service to airports with fewer than two million annual enplanements. In addition, (1) there could be no more than 1 carrier already providing nonstop service to that airport from LaGuardia/JFK; and (2) exemption would only be available for new service in the market (carrier adding a frequency, or upgrading from turboprop to regional jet).

Section 509: DOT to require FAA to provide commercially reasonable times for new entrant/limited incumbent and regional jet slot exemptions granted at LaGuardia and JFK.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

### *Conference Substitute*

Section 231: General provisions. DOT must act on slot exemption requests within 60 days. If additional information is requested by DOT, the 60 days is tolled until the information is received. If DOT fails to act within 60 days, the exemption is granted. Exemptions may not be bought, sold, leased, or otherwise transferred. For the purpose of determining whether an airline qualifies as a new entrant or limited incumbents for receiving slot exemptions, DOT shall count the slots and slot exemptions of both that airline and any other airline that it has a code-share agreement at that airport. The limitation in current law allowing the grant of slot exemptions to new entrants only in exceptional circumstances is deleted. The maximum number of slots or slot exemptions that an airline can have and still qualify as a limited incumbent is raised from 12 to 20. Nothing in the slot exemption sections of this bill should be construed as affecting the FAA's authority to act to further its safety mission or air traffic control responsibilities. To the extent that DOT has discretion over the award of slot exemptions, it may consider whether the airline seeking the exemption will be using U.S. manufactured aircraft. This would not apply where the airline is proposing to use a type of aircraft for which there is not a competing U.S. manufacturer.

New York specific provisions. Slot restrictions at New York are eliminated after January 1, 2007. In the interim, DOT is directed to provide exemptions from the slot rules to any airline flying to the two New York airports if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane. Providing exemptions for a regional jet replacement will free up a slot for service to another community. DOT is also directed to grant exemptions to new entrants and limited incumbents for service to New York. Exemptions can be granted only for operations with Stage 3 aircraft.



Airlines that have been flying to New York from a small hub or non-hub under a previous exemption cannot terminate that service before July 1, 2003 unless DOT finds that the airline is suffering excessive losses on that route.

## 77. Slots at Chicago

### *House Bill*

#### Section 201:

- (a) Effective immediately, 20 slot exemptions per day shall be granted for service to airports not receiving sufficient air service or with unreasonably high airfares (which is defined as an airport where the average yield is more than 19 cents per mile.)
- (b) Effective immediately, 30 slot exemptions shall be granted for new entrants (those with less than 20 slots).
- (c) If within 180 days, there are insufficient applications for the 50 slot exemptions above; the exemptions may be granted to any airline for service to any community although those exemptions could be withdrawn if additional applications are received. Procedures are established for applications and for the treatment of commuter airlines that have agreements with other carriers.
- (d) Effective immediately, slots cannot be taken away from a U.S. airline and given to any other airline to provide international service.
- (e) Effective on March 1, 2000, slot restrictions are eliminated for international air service and U.S. airlines can convert their international slots to domestic service.
- (f) Effective March 1, 2000, slot restrictions are eliminated for new or additional regional jet service. Regional jets are defined as those with 70 or fewer seats.
- (g) Effective March 1, 2001, slot restrictions are eliminated except between 2:15 p.m. and 8:15 p.m.
- (h) Slot restrictions are eliminated entirely on March 1, 2002.

### *Senate Amendment*

Section 506: Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Eliminates the "exceptional circumstances"

criterion for new entrant/limited incumbent slot exemption requests. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

Carriers required to continue serving small hub and nonhub (and smaller) airports where the carrier provides this service on or before date of enactment using slot exemptions or slots issued for specific-city service, until four years after the HDR lifted at O'Hare. Doesn't apply if carrier can demonstrate loss on the route to DOT.

DOT required to grant 30 slot exemptions over a 3-year period. Stage 3 aircraft must be used. 18 exemptions must be used for underserved airports (non-hub or small hub), of which at least 6 shall be used for commuter purposes. 12 exemptions shall be used by air carriers. Before granting the exemptions, DOT must do an environmental review, determine whether capacity is available and can be used safely, give 30 days notice and consult with local officials.

132 slot cap on EAS slots at O'Hare doesn't apply to new slot exemptions made available at O'Hare.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

### *Conference Substitute*

Section 231: The general provisions described above for New York also apply at Chicago. In addition, slot restrictions at Chicago are eliminated after July 1, 2002. On July 1, 2001, slot restrictions will apply only between 2:45 p.m. and 8:14 p.m. DOT is directed to provide exemptions from the slot rules to any airline flying to Chicago O'Hare airport if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane. Providing exemptions for a regional jet replacement will free up one slot for service to another community for every 2 exemptions granted and used. This slot that is freed up by the regional jet replacement must be taken away if the airline drops the regional jet service or replaces it with a prop plane. DOT is also directed to grant 30 exemptions to new entrants and limited incumbents for service to Chicago. These new entrant exemptions must be granted within 45 days. Slots will no longer be needed in order to provide international service at O'Hare. However, the Secretary may limit access in those cases where the foreign country involved does not provide the same kind of open access for U.S. airlines. DOT is prohibited from withdrawing slots from U.S. airlines in order to give them to foreign airlines. Any slot previously withdrawn from U.S. airlines and given to a foreign airline must be returned to the U.S. airline. Slots held by U.S. airlines to provide international

service can be converted to domestic use. Airlines that have been flying to Chicago from a small hub or non-hub under a previous exemption cannot terminate that service before July 1, 2003 unless DOT finds that the airline is suffering excessive losses on that route. Exemptions can be granted only for operations with Stage 3 aircraft.

## 78. Slots and perimeter at Reagan National

### *House Bill*

#### Section 201(b):

- (a) Effective immediately, 6 slot exemptions shall be granted per day for service to airports not receiving sufficient air service or with unreasonably high airfares (which is defined as an airport where the average yield is more than 19 cents per mile.)
- (b) If within 180 days, there are insufficient applications for the 50 slot exemptions above; the exemptions may be granted to any airline for service to any community although those exemptions could be withdrawn if additional applications are received. Procedures are established for applications and for the treatment of commuter airlines that have agreements with other carriers.

### *Senate Amendment*

Section 506: Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

12 slot exemptions shall be granted inside the perimeter to airlines serving medium hub or smaller airports. Exemptions shall be distributed in a manner consistent with the promotion of air transportation by (1) new entrants and limited incumbents, (2) to communities without service to DCA, (3) to small communities, or by (4) providing competitive service on a monopoly route to DCA.

12 perimeter rule/slot exemptions established for service beyond the 1,250-mile perimeter. To qualify, carriers would have to demonstrate that proposed service provides domestic network benefits or increases competition by new entrant air carriers.

Stage 3 aircraft must be used and no more than 2 exemptions per hour can be granted.

Section 456: These new slot exemptions at DCA can't increase operations at DCA between 10:00 p.m. and 7:00 a.m.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

### *Conference Substitute*

Section 231: DOT is directed to grant 12 slot exemptions within the perimeter. It is also directed to grant 12 slot exemptions outside the perimeter based on certain specified findings. These slots could go to more than one airline. Stage 3 aircraft must be used. The exemptions must be for flights between 7:00 a.m. and 10:00 p.m. There can be no more than 2 additional flights per hour. Of the flights within the perimeter, 4 must be to small hubs or non-hubs and 8 must be to medium, small, or non-hubs. All requests for exemptions must be submitted within 30 days of enactment. Fifteen days are allowed to comment on the requests. After that, 45 days are allowed for DOT to make a decision. Ten percent of the entitlement money at Reagan National Airport must go to noise abatement. Priority shall be given to applications from the 4 slot-controlled airports for noise set-aside money. DOT shall do a study comparing noise at these 4 airports now as compared to 10 years ago.

The definition of limited incumbent air carrier includes slots and slot exemptions held or operated by that carrier. However, under section 41714(h)(5), slots that are on a long-term lease for a period of 10 years or more, being used for international service, and that the current holder releases and renounces any right to subject to the terms of the lease shall not be counted as slots either held or operated for the purposes of determining whether the holder is a limited incumbent.

## 79. Metropolitan Washington Airports authority (MWAA)

### *House Bill*

Section 718: Extends the deadline for reauthorizing MWAA from 2001 to 2004. Also, eliminates the requirement that the additional Federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

### *Senate Amendment*

Title X : Eliminates the requirement that the additional Federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

### *Conference Substitute*

Section 231(h) and (i) adopt the House and Senate provisions.

## 80. Air Traffic Control Oversight Board

### *House Bill*

Section 301 to 303: Establishes a 9-member Board to review and approve FAA's air traffic control (ATC) modernization program (including procurements over \$100 million), the appointment of a Chief Operating Officer and senior executives of the ATC system, any ATC reorganization, any cost accounting and financial management structure, the performance of employees, and the ATC budget. The 9 members shall be composed of 6 non-Federal members appointed for 5 years plus the DOT Secretary, the FAA Administrator, and an air traffic employee union head. The Chief Operating Officer would be appointed for a 5-year term.

Section 304: Allows initial appointments to be made by the president but requires all subsequent appointments to be made by the DOT Secretary.

### *Senate Amendment*

Section 907(c): Chairman of the Management Advisory Council (MAC) to establish an Air Traffic Services Subcommittee to review and comment on: the performance of COO and senior managers within FAA air traffic organization, long range and strategic plans for air traffic services, Administrator's selection and compensation of senior air traffic executives, any major FAA reorganization, FAA cost allocation system and financial management, and performance of managers responsible for major acquisition projects.

Section 906(a): Administrator to appoint COO for a 5-year term. COO is eligible for a 50 percent-of-pay bonus at Administrator's discretion.

Section 907(a), (b): Similar provision on MAC.

Section 908: Secretary may give FAA Administrator a 50 percent-of-pay bonus.

### *Conference Substitute*

Section 301- 304: The Management Advisory Council (MAC) is retained. Initial appointments of 10 aviation industry representatives and one union leader will be made by the President and confirmed by the Senate. After that, appointments will be made by the Secretary of Transportation. They are appointed for 3 years except the union leader who is appointed only while head of the union.

There will be five additional members appointed by the Secretary within 3 months of the date of enactment of this Act. These 5 members should represent the public and not have an interest in or be involved in an aviation business. They would have to meet the public interest criteria of the House bill. They should have a background in management, customer service, information technology, organizational development, or labor relations. They are appointed for 5 years and can only be reappointed once. These 5 members will form the Air Traffic Services Subcommittee. This Subcommittee will oversee the air traffic control system. It will be responsible for reviewing and approving certain actions, plans, appointments (including the FAA Administrator's appointment of a Chief Operating Officer), budget requests, salaries, and large contracts. The Subcommittee shall select its Chairman who shall serve a 2-year term. It shall meet at least quarterly and shall file an annual report. If the Subcommittee identifies a problem in the air traffic control system that is not being adequately addressed, it shall report the matter to the FAA Administrator, the MAC, and the Congress. If the Administrator agrees with the report, action shall be taken on it within 60 days. If the Administrator disagrees, a report to that effect must be filed with the president and the Congress. GAO shall report to Congress on whether this new management structure is improving the performance of the air traffic control system.

Neither the Secretary nor the Administrator is on the MAC or the Subcommittee. The union member described in the House bill is on the MAC but not the ATC Subcommittee.

The FAA Administrator appoints a Chief Operating Officer (COO) for a 5-year term with the approval of the Air Traffic Services Subcommittee. The COO reports to the Administrator and can receive the same salary as the Administrator plus a possible 30% performance bonus. This bonus shall be based on how well the COO meets the performance goals that are established by the Administrator and COO in consultation with the Air Traffic Services Subcommittee. Includes COO's authority from Senate bill.

## 81. Air traffic modernization pilot program

### *House Bill*

No provision

### *Senate Amendment*

Section 911: Authorizes a FAA-industry joint venture pilot program to accelerate investment in ATC facilities and equipment. The nonprofit Air Traffic Modernization Association to help airports arrange lease and debt financing of eligible projects. Prescribes an executive panel for the Association. Association can borrow and lend funds, \$500 mil total capitalization for FY2000-2002. No

single project can exceed \$50 mil. Authorizes FAA payments to Association. Allows airports to use Association payments to meet local matching requirements of airport grants. Report to authorizing committees within 3 years of Association's establishment. FAA authorized \$1.5 million for its share of Association's organizational and administrative costs.

*Conference Substitute*

Section 304: Agree to a 10 project pilot cost-sharing program to encourage nonfederal investment in air traffic control modernization programs. Limits FAA participation to one third of project costs and \$15 million per project.

82. Regulatory approval process

*House Bill*

Section 306: Raises from \$100 million to \$250 million the threshold that would trigger Secretarial review of a FAA regulation. It also limits the type of regulations that would be considered significant enough to justify Secretarial review.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 305 adopts House provision.

83. Failure to meet rulemaking deadline

*House Bill*

Section 308: Requires FAA to notify Congress if it misses the deadline in the law for responding to a rulemaking petition, issuing a notice of proposed rulemaking, or issuing a final rule.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 306: In lieu of House provision, require FAA to write a letter to the authorizing Committees on February 1 and August 1 of each year with the information described by the House bill.

84. Whistleblower protection for FAA employees.

*House Bill*

Section 503: Adds the enforcement procedures in 5 U.S.C. Chapter 12.

*Senate Amendment*

Section 419(b): The same provision with slightly different wording.

*Conference Substitute*

Section 307: House. Also moves the personnel and procurement reform sections from the Appropriations Act into Title 49.

85. Procurement Integrity Act

*House Bill*

Section 309: Imposes section of Procurement Integrity Act (with certain adjustments) that restricts the conduct of business and information disclosed between Federal employees and government contractors. Penalties can be imposed if contractor bid and proposal information or source selection information is exchanged for anything of value or results in an unfair competitive advantage.

*Senate Amendment*

Section 415: Same or similar provision.

*Conference Substitute*

Section 307(b): Senate

86. Personnel reform



*House Bill*

Section 705 (a): Provides that the 60-day period for congressional resolution of a dispute between the FAA and one of its unions does not include a period during which Congress has adjourned sine die.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 308(a): House

87. Merit Systems Protection Board (MSPB)

*House Bill*

Section 705: Permits a FAA employee subject to an adverse personnel action to contest it either through contractual grievance procedures, FAA internal procedures, or by appeal to the MSPB.

*Senate Amendment*

Section 424: Permits appeals to the MSPB.

*Conference Substitute*

Section 308(b): House & Senate.

88. Study of FAA cost allocation

*House Bill*

Section 307: Requires the DOT inspector general (IG) to conduct an assessment to ensure that FAA's cost allocations are appropriate. Specifies what the IG is to study. Requires annual reports for 5 years starting on 12/31/00. Authorizes \$1.5 million.

### *Senate Amendment*

Section 414: Requires the DOT inspector general (IG) to conduct or contract out an assessment to ensure that FAA's cost allocations are appropriate. Specifies what the IG is to study. Final report due in 300 days of contract award. Authorizes such sums as may be necessary.

Section 910: By 7/9/00, FAA must report to authorizing committees on its cost allocation system now under development, to include specific dates for completion and implementation. DOT IG to assess the cost allocation system with own staff, or contract it out, and also assess FAA's cost and performance management. Updated report from IG by 12/31/00. FAA is required to include information in its annual financial report that would allow users to judge FAA's progress in increasing productivity.

### *Conference Substitute*

Section 309: House but includes the general authorization in the Senate amendment rather than the specific authorization in the House bill.

Section 311 adopts section 910(a) of the Senate bill. It requires a report on the FAA's cost allocation system.

## 89. Environmental streamlining

### *House Bill*

Section 305: Requires DOT to develop and implement a more expedited environmental review process similar to the one in TEA 21.

### *Senate Amendment*

No Provision.

### *Conference Substitute*

Section 310: Requires DOT to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects. The purpose of the study would be to determine if there are ways to streamline the environmental review process for such projects. A report is due in one year.

## 90. Oceanic ATC system.

*House Bill*

No provision.

*Senate Amendment*

Section 416: Requires FAA to report on plans to modernize the oceanic air traffic control system.

*Conference Substitute*

Section 312: Senate but put in management reform Title.

91. Technical clarifications to existing ban on lawyer solicitation families.

*House Bill*

Section 401(a): Extends the ban to accidents involving foreign airlines in the U.S. Extends ban to associates, agents, employees or other representative of a lawyer.

Extends ban from 30 to 45 days.

Includes enforcement provision.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 401(a): House

92. Counseling services after accidents

*House Bill*

Section 401(b): Prohibits states from preventing out of state mental health workers of the designated organization from providing counseling services for 30 days (which can be extended for an additional 30 days) after accident.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 401(b): House

93. Non-revenue passengers

*House Bill*

Sections 401(c) and 403(a): Extends protections of Family Assistance Act to people aboard aircraft who are not paying passengers.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 401(c) and 403(a): House

94. Technical change to Family Assistance Act.

*House Bill*

Sections 401(d) and 402(c): Moves a freestanding provision into Title 49.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 401(d) and 402(c): House

95. U.S. Airline disaster assistance plans.

*House Bill*

Section 402(a): Requires U.S. airlines to update their plans by adding—

- Assurance that they will inform family whether relative had reservation on the flight;
- Assurance that airline employees will receive adequate training in disaster assistance.

- Assurance that if the airline volunteers assistance to U.S. citizens in the U.S. involving a crash outside the U.S., it will consult with the NTSB and the State Department.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 402(a): House

## 96. Limitation on Liability

*House Bill*

Section 402(b): Protects U.S. airlines from liability if they inadvertently give inaccurate information to a family about a flight reservation.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 402(b): House but replaces the term “flight reservation” with the term “preliminary passenger manifest”. The terms have essentially the same meaning but preliminary passenger manifest is the term already used in new section 4113(b)(14) of Title 49.

## 97. Foreign airline disaster assistance plans.

*House Bill*

Section 403: Requires foreign airlines to update their plans by adding an assurance that their employees will receive adequate training in disaster assistance and will consult with the NTSB and the State Department if the airline volunteers assistance to U.S. citizens in the U.S. involving a crash outside the U.S.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 403: House

## 98. Death on the High Seas Act (DOHSA)

### *House Bill*

Section 404: Amends Title 49 to make DOHSA inapplicable to airline accidents. This applies to any lawsuit that has not been decided by a court or settled.

### *Senate Amendment*

Section 431: Amends DOHSA in the event of a commercial aviation accident to allow recovery of nonpecuniary damages for wrongful death (loss of care, comfort and companionship). For all beneficiaries of the decedent either (1) up to \$750,000 adjusted for inflation in the case of commercial aviation accidents, or (2) the pecuniary loss sustained, whichever is greater. No punitive damages. Includes inflation adjustment. Applies to any death after July 16, 1996.

### *Conference Substitute*

Consistent with Executive Order 5928, December 27, 1998, the territorial sea for aviation accidents is extended from a marine league to 12 miles. The effect of this is that the Death on the High Seas Act will not apply to planes that crash into the ocean within 12 miles from the shore of the United States. The law governing accidents that occur between a marine league and 12 miles from land will be the same as those that now occur less than a marine league from land. For those airline accidents that occur more than 12 miles from land, the Death on the High Seas Act will continue to apply. However, in those cases the Act is modified as in the Senate Bill except that there is no \$750,000 cap on damages.

## 99. Emergency locator transmitters (ELTs)

### *House Bill*

Under current law, ELTs are required on turboprop aircraft with certain exceptions.

House Bill: Section 510 - Requires ELTs on small turbojet aircraft with the following exceptions (similar to those in current law) –

Aircraft used in scheduled flights by certificated scheduled airlines;

Aircraft used in training operations within 50 miles of the airport;

Aircraft used for design, testing, manufacture, preparation and delivery;

Aircraft used in R&D if the aircraft holds the necessary certificate;

Aircraft used for showing compliance, crew training, exhibition, air racing, and market surveys;

Aircraft used for agricultural spraying;

Aircraft with a maximum payload capacity of more than 7,500 pounds when used for commercial passenger or cargo air service.

Aircraft capable of carrying only one person such as ultra-light aircraft.

Specifies the type of ELT that must be used and directs the issuance of regulations and the effective date of those regulations as 1/1/2002.

#### *Senate Amendment*

Section 404: The following exceptions to current ELT requirements are eliminated: turbojet-powered aircraft, aircraft holding R&D certificates, aircraft when used for crew training and market surveys. ELT requirements would apply to these aircraft.

States what kind of ELTs would meet requirements. Requires FAA rule by 2002.

#### *Conference Substitute*

House, but increase the payload capacity (which is defined in section 119.3 of the FAA rules) to 18,000 pounds. This would cover aircraft up to about 60 seats. FAA is required to issue rules implementing this change by January 1, 2001. These rules should take effect on January 1, 2002. However, FAA may extend the effective date by 2 years to ensure a safe and orderly transition or for other safety reasons. The effect is to require business jets and small air charters to equip with ELTs so they can be located after a crash.

### 100. Cargo TCAS

#### *House Bill*

Section 501: Directs FAA to require cargo aircraft of 15,000 kilograms or more to install collision avoidance equipment by December 31, 2002 that provides protection from mid-air collisions and resolution advisory capability that is at least as good as TCAS-II. FAA may extend this deadline by 2 years if that would promote safety.

#### *Senate Amendment*

Section 402: Directs FAA to require cargo aircraft of 15,000 kilograms or more to install collision avoidance equipment by December 31, 2002 that is TCAS II equipment or a similar system approved by the FAA for collision avoidance. FAA may extend the deadline for 2 years if that would promote an orderly transition or other safety or public interest objectives.

### *Conference Substitute*

Section 502: House. In 1997, the FAA announced that it expected to establish a date for final recommendations for installation of collision avoidance systems in cargo aircraft. Three years later, the FAA still has not acted. Therefore, the conferees have mandated that FAA require a collision avoidance system in cargo planes by a date certain. The Managers urge the FAA to act expeditiously on this.

## 101. Landfills

### *House Bill*

Section 511: Prohibits new landfills within 6 miles of a small airport unless the State aviation director requests an exemption from the FAA and the FAA determines that the landfill would not adversely affect air safety.

### *Senate Amendment*

No provision.

### *Conference Substitute*

Section 503: House with modifications. The limitation on the construction of landfills, does not apply to the expansion of existing municipal solid waste landfills.

Alaska has more than 250 villages and small towns most of these communities are densely packed with only one main dirt road through town, unconnected to any other road system. The vast majority of these townsites are no larger than 2 square miles. Wilderness or other state or federal conservation land surrounds many of these villages. Most of the airstrips serving these communities are immediately adjacent to the villages. A provision requiring any landfill to be at least 6 miles from the airport would be unworkable in Alaska because of these constraints, the harsh arctic environment, and the enormous capital expenditures necessary to build roads and secure federal permits to establish landfills in wilderness or refuge lands. Therefore, this provision does not apply in Alaska. There are many other similar exceptions for Alaska in title 49.

## 102. Marking of life-limited parts

### *House Bill*

Sections 507: Requires FAA to issue rules to determine the best way to ensure the safe disposition of life-limited civil aviation parts. Provides 180 days for the



proposed rule and 180 days for the final rule. Also provides for civil penalties for failure to mark.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 504: House.

103. Bogus parts and certificate revocation

*House Bill*

No provision.

*Senate Amendment*

Section 405: Prohibits the certification or hiring of a person (individual or company) that has been convicted of a violation of a law relating to counterfeit parts, or the certification of a company that is subject to a controlling or ownership interest of a convicted individual. FAA required to revoke certificates on the same basis, with appeal procedures built in. FAA can waive revocation if a law enforcement official requests it, and it will facilitate law enforcement. Certificates can be amended to limit convicted individuals' controlling interest.

*Conference Substitute*

Section 505: Senate with modifications.

104. Bogus Parts and criminal penalties

*House Bill*

No provision.

*Senate Amendment*

Section 464: Applies to a person who knowingly engages in interstate commerce concerning any aircraft or space vehicle part, and who conducts this business fraudulently. If the fraudulent part is installed in aircraft or space vehicle, fine of up to \$500,000 and up to 25 years in prison. If the fraudulent part results in

serious bodily injury or death, fine of up to \$1,000,000 and up to life in prison. If an organization commits the offense, fine of up to \$25 mil. Otherwise, fine under Title 18 U.S.C. and up to 15 years in prison. District courts empowered to divest interest in and destroy parts inventories, impose restrictions on future employment in same field, and to dissolve or reorganize the related enterprise. Property and proceeds derived from enterprise to be forfeited.

*Conference Substitute*

Section 506: Senate with modifications. It is intended that the penalties for the failure of parts to operate as represented in (b)(2) and (3) only applies to aircraft and space vehicle parts.

105. Hazmat

*House Bill*

Section 512: Makes clear that ignorance of the law is no excuse with respect to hazmat regulations but may be considered in mitigation of the penalty.

*Senate Amendment*

Section 435: Directs FAA to make elimination of the backlog of hazardous materials enforcement cases a priority and that the laws in this area are carried out in a consistent manner. FAA shall report quarterly to the Senate Commerce Committee on its progress.

*Conference Substitute*

Section 507: House.

106. Criminal history record checks

*House Bill*

No provision.

*Senate Amendment*

Section 306(1): Permits criminal history record check for security screeners.

*Conference Substitute*

Section 508(a): Senate

107. Pilot record sharing

### *House Bill*

Section 502: Exempts the military from the requirement to provide records. Limits the records that must be provided to those that involve the individual's performance as a pilot. Allows an airline to hire a pilot even if it has not received records from a foreign entity if it has made a good faith effort to obtain them. FAA may allow designated individuals to have electronic access to pilot record database.

### *Senate Amendment*

Section 306: The same provision with respect to individual's performance as a pilot and records from foreign entities. No provision on military records or on allowing designated individuals to have access to the records.

### *Conference Substitute*

Section 508(b): House with privacy terms to ensure that information from database is only obtained by person who needs info for hiring decision and that information is only used for that purpose.

## 108. Criminal penalties for airline pilots flying without a license

### *House Bill*

No provision.

### *Senate Amendment*

Section 309: Provides for fines and maximum 3 years imprisonment for airline pilots who fly without a license and for individuals, but not companies, that hire them. Fines and prison terms increase if the individual is smuggling drugs or aiding in a drug violation.

### *Conference Substitute*

Section 509: Senate

## 109. Flight Operations Quality Assurance (FOQA) rules

### *House Bill*

Section 505: Requires FAA to issue a proposed rule within 30 days protecting airlines and airline employees from civil enforcement actions for disclosures made under FOQA. The Final rule is due 1 year after the comment period closes.

### *Senate Amendment*

Section 409: Same provision except 90 days is allowed for the issuance of the proposed rule and it applies to all enforcement actions for violation of the FARs that are reported or discovered as a result of voluntary reporting programs (such as FOQA and ASAP), other than criminal or deliberate acts. No requirement on final rule.

### *Conference Substitute*

Section 510: Senate; except that 60 days is allowed for the issuance of the proposed rule.

## 110. Unruly passengers

### *House Bill*

Section 508: Subjects unruly passengers to fine of \$25,000 and a possible ban on commercial air travel for one year.

### *Senate Amendment*

Section 406: Imposes fine of \$10,000 on person who interferes with the crew or poses a threat to the safety of the aircraft.

Title XV: Imposes fine of \$25,000 on person who assaults or threatens to assault the crew or another passenger, or poses a threat to the safety of the aircraft or its passengers. Attorney General may set up a program to deputize state and local airport law enforcement officials as deputy U.S. marshals for enforcement purposes.

### *Conference Substitute*

Section 511: Senate. \$25,000 fine. Also requires the Justice Department to notify the House and Senate authorizing Committees within 90 days as to whether it plans to set up the program to deputize local law enforcement.

## 111. Air Transportation Oversight System

### *House Bill*

Section 509: Requires FAA to submit an annual report for the next 5 years on its progress in implementing its new airline inspection system.

*Senate Amendment*

Section 417: Beginning in 2000, FAA shall report biannually on the air transportation oversight system (inspector training) announced on May 13, 1998.

*Conference Substitute*

Section 513: Requires reports on August 1, 2000 and August 1, 2002. Takes elements of report contents from both bills.

112. Runway safety areas

*House Bill*

Section 139: Makes arrestor beds described in a FAA circular eligible for AIP grants and directs FAA to do a rulemaking to improve runway safety through arrestor beds, longer runways, or other means.

*Senate Amendment*

Section 403: Requires FAA, within 6 months, to “solicit comments on the need for” improvement of runway safety areas and installation of precision approach path indicators.

*Conference*

Section 514: Adopts Senate “solicit comments” language in lieu of House rulemaking language. Adds limitation stating that in making grants for Engineered Materials Arresting Systems the Secretary shall require that the sponsor demonstrate that the effects of jet blast have been adequately considered.

Also adds a provision to cover situations where an airport's runways are constrained by physical conditions. In those situations, the FAA is directed to consider alternative means for ensuring runway safety when prescribing conditions for runway rehabilitation grants.

Section 515: Senate provision on precision approach path indicators.

The conferees urge the Administrator to encourage all civil airport certified under FAR Part 139 CFR to have standard runway safety areas in accordance with the most cost effective and efficient method described in FAA circulars in the numbered 150 series.

113. Aircraft dispatchers.

*House Bill*

Section 516: Within one year, FAA shall study the role of aircraft dispatchers including an assessment of whether dispatchers should be required for cargo and commuter airlines and whether FAA inspectors should be assigned to oversee dispatchers.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 516: House.

114. Training for mechanics

*House Bill*

Section 517: FAA and industry shall develop a model program to improve training for mechanics.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 517: House.

115. Small airport certification

*House Bill*

Section 506: Requires FAA to issue proposed small airport certification standards within 60 days after enactment and Final rules within 1 year of the close of the comment period.

*Senate Amendment*

No provision.

*Conference Substitute*

House

## 116. Fire and rescue personnel

### *House Bill*

Section 513: Directs FAA to conduct a rulemaking on the mission of rescue personnel, rescue response times, and needed extinguishing equipment taking into account the need for different requirements for airports of different sizes.

### *Senate Amendment*

Section 450: Requires FAA study within 6 months on current and future airport safety needs, focusing on rescue personnel, response time, and extinguishing equipment. If FAA recommends revisions to part 139, study must include a cost-benefit analysis.

### *Conference Substitute*

No provision.

## 117. Maintenance Implementation Procedures (MIPs)

### *House Bill*

Section 514: Prohibits FAA from entering into a MIP unless the foreign nation is inspecting repair stations to ensure their compliance with FAA standards.

### *Senate Amendment*

No provision.

### *Conference Substitute*

No provision.

## 118. Injuries to airport workers

### *House Bill*

Section 515: Directs FAA to study, within one year, the number of workers injured or killed as a result of being struck by moving vehicle on the airport tarmac.

### *Senate Amendment*

No provision.

*Conference Substitute*

House

119. Safety risk mitigation program.

*House Bill*

Section 504: Requires FAA to issue guidelines encouraging safety risk mitigation programs such as self-audits and self-disclosure programs.

*Senate Amendment*

No provision.

*Conference Substitute*

No provision.

120. Aeronautical Charting Transfer

*House Bill*

Section 736: The FAA shall consider procuring mapping and charting services from the private sector if that would further the mission of the FAA and be cost effective.

*Senate Amendment*

Title VIII: Transfers to FAA the Department of Commerce responsibilities and offices for aeronautical charting.

*Conference Substitute*

Title VI: Senate provisions except that (1) the current special VFR route provision in section 44721 is retained and (2) the authority to conduct aerial and field surveys is not transferred.

Section 607 adopts the provision from the House bill.

121. Duties and powers of the Administrator



### *House Bill*

Section 701: Lists FAA duties.

### *Senate Amendment*

Section 701: Technical corrections. The sections listed should be the same as the House's.

### *Conference Substitute*

Section 701: House & Senate.

## 122. Public Aircraft

### *House Bill*

Section 702: Restates the definition of public aircraft in a way that is intended to have fewer double negatives and be more understandable. It also permits a military aircraft to carry passengers for reimbursement without losing its public aircraft status when Federal law requires that reimbursement. The provision clarifies that carriage of prisoners is considered part of the law enforcement function and therefore can be performed by public aircraft. Permits public aircraft to fly charters for DOD if DOD designates the flight as being in the national interest. Requires NTSB to do a study comparing the safety of public and civil aircraft.

### *Senate Amendment*

Section 209: Permits public aircraft to be used to transport passengers if those passengers are involved in prisoner transport.

### *Conference Substitute*

Section 702: Revises the title of subsection (a) since there are some substantive changes in the law. Inserts "regulation or directive on November 1, 1999" after "Federal law" in new section 40125(a)(1) because an OMB circular may be the basis for the requirement that reimbursement be paid. Makes clear in new section 40125(c)(2) that an aircraft of the National Guard of a state, territory, Puerto Rico, or the District of Columbia can operate as a public aircraft only when it is operated under the direct control of the United States Department of Defense. Paragraph (c)(1)(B) of new section 40125 takes account of the other missions that military aircraft may be called upon to provide and allows a military aircraft to operate as public aircraft if it is performing a governmental function and operating under the titles specified in that paragraph.

Two of these changes have been of concern to commercial helicopter operators. One would allow a military aircraft to be operated under the more lenient rules governing public aircraft if it was used in the performance of a governmental function. The other change would allow a government aircraft to retain its public aircraft status even when receiving compensation for the flight as long as a Federal law or directive required the compensation on the date of enactment.

With respect to the first concern, the conference substitute limits the qualifying governmental function to those performed under titles 14, 31, 32, or 50 of the U.S. code.

With respect to the second concern, the conference substitute limits the law or directive to those in effect last year. This will prevent the military or other Federal agency from issuing rules now to take advantage of this new exception.

With these changes, the managers believe they have achieved a balance between the needs of the military and the legitimate interests of commercial aircraft operators.

#### 123. Prohibition on release of offeror proposals.

##### *House Bill*

Section 703: Exempts bid submissions from the Freedom of Information Act except for certain unsuccessful bids.

##### *Senate Amendment*

No provision.

##### *Conference Substitute*

Section 703: House

#### 124. Multiyear procurement contract

##### *House Bill*

Section 704: Allows 10-year contracts for telecommunication services using satellites if that would be cost beneficial.

##### *Senate Amendment*

Section 436: Authorizes FAA to establish a pilot program (FY2001-2004) to test long-term contracts for leasing aviation equipment and facilities. No more than

10 contracts, each at least 5 years. May include requirements related to oceanic and ATC, air-to-ground radio communications, ATC tower construction.

*Conference Substitute*

Section 704: Senate. Reference to telecommunications satellites as in the House bill. Contracts may entered into in fiscal years 2001 through 2003 but the terms of the contracts are not limited to those 3 years.

125. Severable services contracts

*House Bill*

Section 719: Amends procurement reform provision in the Appropriations Act. Notwithstanding the Federal Acquisition Streamlining Act, FAA may enter into contracts for services that begin in one year and end in another.

*Senate Amendment*

Section 301: Amends Title 49. FAA may enter into contracts for services that begin in one year and end in another, and obligations of funds for one fiscal year may carry over.

*Conference Substitute*

Section 705: Senate

126. Prohibition on racial discrimination in airline travel

*House Bill*

Section 706: Prohibits racial discrimination.

*Senate Amendment*

Section 455: Prohibits discrimination at airports.

*Conference Substitute*

Section 706: House And Senate.

127. Prohibition on Discrimination in Use of Private Airports

*House Bill*

No provision.

*Senate Amendment*

Section 455: Prohibits a state, county, city or municipal government from restricting the full enjoyment of a private airport on the basis of a person's race, creed, color, national origin, sex or ancestry.

*Conference Substitute*

Section 706: Senate

128. International standards for handicapped access

*House Bill*

Section 706(c): Directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that code-share with U.S. carriers. Extends the existing prohibition on discrimination to foreign airlines operating to the U.S. subject to bilateral obligations under section 40105(b). Imposes a penalty of \$10,000 for violations.

*Senate Amendment*

Section 407: Directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that codeshare with U.S. carriers. Extends the existing prohibition on discrimination to foreign airlines operating in U.S. Each act of discrimination constitutes a separate violation. Each complaint shall be investigated and complaint statistics shall be publicly reported. Annual report to Congress. The government shall provide technical assistance to airlines and disabled people. Adds the section prohibiting discrimination against the handicapped to those subject to the \$1,000 civil penalty. If the carrier that discriminated does not provide a credit or voucher to the passenger in the specified amounts, then the penalty will be that specified amount. Attorney's fees may be awarded if the court deems it appropriate.

*Conference Substitute*

Section 707: Senate provision insofar as it (1) directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that code-share with U.S. carriers; (2) extends the existing prohibition on discrimination to foreign airlines operating to the U.S.; (3)

states that each act of discrimination constitutes a separate violation; (4) requires that each complaint be investigated and complaint statistics be publicly reported; (5) mandates an annual report to Congress; and (6) requires that technical assistance be provided to airlines and disabled people. Civil penalties for violations are increased to \$10,000. The extension of the prohibition on discrimination to foreign airlines is made subject to U.S. bilateral obligations as in the House bill.

#### 129. Smoking Prohibition, International Flights

##### *House Bill*

No provision.

##### *Senate Amendment*

Section 437: Extends the smoking restriction on domestic flights to segments of international flights that arrive in or depart from the U.S. Procedures established if foreign government objects to extraterritorial application of U.S. law.

##### *Conference Substitute*

Section 708: Senate

#### 130. Joint ventures/alliances

##### *House Bill*

Section 707: Makes clear that the provision requiring notice of certain joint venture and alliance agreements apply only to those agreements where both parties are major airlines.

##### *Senate Amendment*

No provision.

##### *Conference Substitute*

Section 709: House

## 131. Animal Transportation

### *House Bill*

No provision.

### *Senate Amendment*

Title XVII: Within 2 years of enactment, DOT will require each air carrier to submit to DOT details on animals on each flight. Any serious incident involving an animal must be reported to Department of Agriculture (DOA) and DOT. This information will be included in Air Travel Consumer Reports. Consumer complaints involving animals must be reported within 15 days by DOT to DOA. Annual reports under the Animal Welfare Act. Each air carrier to amend contract of carriage to lay out procedures for safe transport of animals. Civil penalty up to \$5,000 for each incident involving the loss, injury or death of an animal during transport. If carrier at fault, carrier liable to owner for at least twice the liability for mishandled baggage, plus costs of animal treatment within 1 year of the incident. DOT to require carriers to upgrade cargo containers to provide airflow, and heating and cooling. After 1/1/00, carrier cannot carry animals unless it's made this upgrade. 3/31/02 report to Congress.

### *Conference Substitute*

Section 710: The Managers have heard from animal rights activists and citizens who use airlines to transport animals. They have sharply differing views over the extent of the problem and the appropriate remedy. Accordingly, the Conference Report modifies the Senate provision to ensure that airlines will continue to be able to carry animals while information is collected to determine whether there is a problem that warrants stronger legislative remedies. Toward this end, scheduled U.S. airlines will be required to provide monthly reports to DOT describing any incidents involving animals that they carry. DOT and the Department of Agriculture must enter into a MOU to ensure that the Agriculture Department receives this information. DOT must publish data on incidents and complaints involving animals in its monthly consumer reports or other similar publication. In the meantime, DOT is directed to work with airlines to improve the training of employees so that (1) they will be better able to ensure the safety of animals being flown and (2) they will be better able to explain to passengers the conditions under which their pets are being carried. People should know that their pets might be in a cargo hold that may not be air-conditioned or may differ from the passenger cabin in other respects.

## 132. War Risk Insurance

*House Bill*

Section 708: Extends the program until December 31, 2004.

*Senate Amendment*

Section 307: Extends the program until December 31, 2003.

*Conference Substitute*

Section 711: Senate

133. Improvements to leased property

*House Bill*

Section 709: Allows FAA to pay for improvements to leased property even if the costs of the improvements exceed the costs of the lease if the cost of the lease is nominal and certain other conditions are met.

*Senate Amendment*

Section 420: Similar provision. No requirement that the cost of the lease be nominal.

*Conference Substitute*

Section 712: House

134. Human factors program

*House Bill*

No provision.

*Senate Amendment*

Section 413: Requires FAA to report on the Advanced Qualification Program, and its adoption among air carriers. FAA must address the concerns of the National Research Council on problems associated with human interface with ATC automation. FAA must work with the aviation industry to develop training curricula for the listed safety problems. FAA, with NTSB and the industry, must establish a process to assess human factors training as part of accident investigations. FAA must establish a test program to use model Jeppesen

approach plates to improve nonprecision landing approaches. Training practices associated with flight deck automation must be updated within 12 months.

*Conference Substitute*

Section 713: Senate but delete Senate subsection (c) and change “improve nonprecision landing approaches” in Senate subsection (d), now subsection (b), to “allow for precision-like approaches”. The FAA is directed to work with the representatives of the aviation industry and appropriate aviation programs associated with universities on this human factors program. The appropriate aviation programs could include a nonprofit Corporation involving academia. The Managers note that the State University of New York at Buffalo is already conducting this research.

135. Implementation of Article 83 bis of the Chicago Convention

*House Bill*

Section 710: FAA may trade responsibilities with another country for the regulation of aircraft registered in each other’s country. However, a country that does not meet ICAO standards could not be given responsibility for U.S. aircraft.

*Senate Amendment*

Section 304: Similar provision except there is not a specific prohibition on transferring responsibility to a country that does not meet ICAO standards.

*Conference Substitute*

Section 714: House.

136. Public release of airmen records

*House Bill*

Section 711: Requires airman records (name, address, and ratings) be made available to the public 120 days after enactment. Before making the address available, the airman shall be given the opportunity to have it withheld. A one-time written notification of one’s right to withhold public release of this information shall be developed and implemented, in cooperation with the aviation industry, within 60 days.

*Senate Amendment*

No provision.



### *Conference substitute*

Section 715: House but modified to ensure that new pilots are notified of their option to withhold this information from the public. The FAA and organizations representing pilots and other airmen should use their web pages and other appropriate means to notify airmen that they can elect not to have the information about them publicly released.

## 137. Emergency revocation of certificates

### *House Bill*

Section 712: Gives a holder of a FAA certificate the right to appeal an emergency revocation of that certificate to the NTSB. If 2 Board Members determine that there was not an emergency, the certificate is restored, subject to review by the full Board within 15 days.

### *Senate Amendment*

Section 311: Gives the holder of an FAA certificate the right to appeal the immediate nature of an emergency revocation of that certificate to the NTSB. Certificate holder must request review within 48 hours of the emergency revocation. NTSB has 5 days from the review filing to determine whether immediate certificate revocation should be stayed.

### *Conference Substitute*

Section 716: Senate except the 48-hour period to file an appeal begins to run after receipt of the emergency order by the person rather than when it becomes effective. Also, the standard of review is modified.

## 138. Government and industry consortia

### *House Bill*

Section 713: Permits FAA to establish consortia at airports to advise on security and safety matters. Such consortia shall not be considered Federal advisory committees.

### *Senate Amendment*

Section 303: Similar provision.

*Conference Substitute*

Section 717: Senate

139. Passenger manifest

*House Bill*

Section 714: Changes “shall” to “should” in section 44909(a)(2).

*Senate Amendment*

Section 402: The same or similar provision. Relaxes passenger manifest requirements to say that full name, passport number, and emergency contact name and number should be included.

*Conference Substitute*

Section 718: House and Senate.

140. Fees for service to foreign entities

*House Bill*

Section 715: Permits fees to be collected for inspection, certification and similar services performed outside the U.S. except for fees for production-certification related services performed outside the U.S. pertaining to aeronautical products manufactured there.

*Senate Amendment*

Section 305: Similar provision.

*Conference Substitute*

Section 719: House.

141. Civil Penalties

*House Bill*

Section 716: Makes technical corrections.

*Senate Amendment*

Section 308: Same or similar provision.

*Conference Substitute*

Section 720: House and Senate.

142. Waivers from noise act

*House Bill*

Section 717: Gives foreign airlines the same right to seek waivers from the stage 3 compliance schedule as U.S. airlines. Also, allows stage 1 or stage 2 aircraft to be brought into the U.S. to sell the aircraft outside the U.S., to sell the aircraft for scrap, or to modify the aircraft to meet Stage 3 standards. Also, allows Stage 2 aircraft used for service within Hawaii to be brought into the 48 States for maintenance

*Senate Amendment*

Section 302: Requires DOT to allow stage 2 aircraft to be brought into the U.S. to sell, lease or use the aircraft outside the U.S., to scrap the aircraft, to modify the aircraft to meet Stage 3 standards, to perform scheduled heavy maintenance or significant modifications on the aircraft, to exchange the aircraft between the lessor and the lessee, to prepare or store the aircraft for any of the above activities, or to divert the aircraft to alternative airports for safety or ATC reasons in conducting any of the above flights. DOT required to establish procedure within 30 days for waivers or ferry permits. Allows Stage 2 aircraft used for service within Hawaii to be brought into the 48 States for maintenance (including major alterations) or preventative maintenance. Exempts experimental aircraft from the stage 3 requirements.

*Conference Substitute*

Section 721. Adopts House section 717(a) giving foreign airlines the right to seek waivers similar to U.S. airlines.

Adopts the Senate provision with an addition stating that nothing in this section shall be construed as interfering with or otherwise nullifying determinations made or to be made under pending applications on November 1, 1999 by the Federal Aviation Administration pursuant to Title 14, part 161 of the Code of Federal Regulations. Any waivers granted by public law 106-113 shall not be adversely affected by this provision and shall continue in effect.

#### 143. Land use compliance report

##### *House Bill*

Section 737: Directs FAA to add a section to its annual report listing airports that are not in compliance with grant assurances with respect to airport land and explaining the corrective action that will be taken to address the problem.

##### *Senate Amendment*

No provision.

##### *Conference Substitute*

Section 722. House, but modified to make clear that FAA would list only those airports that it believes are not in compliance. It would not have to audit them or make a final determination before putting them on the list.

#### 144. Denial of airport access

##### *House Bill*

Section 154: Allows an airport, which will be required to obtain a certificate, to deny access to airlines that can only serve certificated airports if the airport does not intend to apply for such a certificate.

##### *Senate Amendment*

Section 421: Permits an uncertificated reliever airport located within 35 miles of a hub airport with adequate gate capacity to deny access to a public charter operator that provides notice to the public of its schedule.

##### *Conference Substitute*

Section 723: Prohibits an airline or charter operator from providing regularly scheduled charter air transportation (where the public is provided a schedule containing the departure location, departure time, and arrival location) to an airport that does not have an airport operating certificate from the FAA.

#### 145. Year 2000 problem.

##### *House Bill*

No provision.

*Senate Amendment*

Section 401: Requires FAA quarterly reports on Year 2000 problem through 12/31/00.

Section 457: Requires air carriers to respond to FAA by November 1, 1999, regarding their readiness for the Y2K problem as it relates to safety. If FAA doesn't receive response by then, must decide on the record whether to revoke certificate. FAA may reinstate certificate if carrier later submits sufficient information to demonstrate it is in compliance with applicable safety regulations as they relate to Y2K.

*Conference Substitute*

No provision.

146. Stage 4 noise standards

*House Bill*

Section 730: Requires FAA to continue to work to develop a new standard for quieter aircraft. Beginning March 1, 2000, FAA must submit annual reports to Congress on this work.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 726: House except that the goals to be considered in developing these new standards are set forth and the annual report requirement does not begin until July 1, 2000.

147. Taos pueblo

*House Bill*

No provision.

*Senate Amendment*

Section 429: Within 18 months, the FAA shall work with the Taos Pueblo and Blue Lakes Wilderness area to study the feasibility of conducting a demonstration to require all aircraft to maintain a minimum altitude of 5,000 feet.

*Conference Substitute*

Section 727: Study in Senate bill modified to also study whether itinerant general aviation aircraft should be exempt.

148. Aircraft situation display data

*House Bill*

Section 721: Requires any person that receives aircraft situational display data from the FAA to be able to, and to agree to, block aircraft registration numbers if the FAA asked that they be blocked. Also requires any existing agreement with the FAA to obtain aircraft situational display data to conform to the requirements above.

*Senate Amendment*

Section 427: Similar provision.

*Conference Substitute*

Section 729: House and Senate.

149. Equal employment opportunity complaints

*House Bill*

Section 722: Authorizes \$2 million and the hiring of personnel to reduce the backlog of equal employment opportunity complaints.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 730: House but does not specify the account from which the money will come.

150. Easement in California

*House Bill*

Section 724: Grants an easement to facilitate construction of the California State Route 138 bypass.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 731: House provision but with documentation required of the California DOT to ensure that the benefit of the easement to the airports will be at least equal to the value of the easement being granted. This ensures that there is no revenue diversion in the transaction.

151. Alaska air guides

*House Bill*

Section 725: Requires Alaska air guides to be regulated under the FAA rules in 14 CFR Part 91 governing general aviation rather than the rules for a commercial operation. Also, directs the FAA to conduct a rulemaking to supplement the requirements of Part 91 with additional requirements for Alaska Air Guides that are needed to ensure air safety.

*Senate Amendment*

Section 411: Similar provision

*Conference Substitute*

Section 732: House with an insert at the end of paragraph (b)(2)(G) as follows: In making such a determination, the Administrator shall take into account the unique conditions associated with air travel in Alaska to ensure that such actions are not unduly burdensome. Also, in paragraph (c)(2)(C) put a period after “ guide services” and delete everything that follows.

This section is designed to impose additional safety regulations on Alaska Guide-Pilots. However, since the flight services they provide are incidental to the hunting, fishing and other guide services provided, Alaska guide-Pilots are distinctly different than air taxis and commuter carriers, which are governed by the FAA regulation set forth in Part 135. This section is intended to impose enhanced safety requirements on Alaska Guide-Pilots. However, such safety requirements are intended to be less burdensome and less costly than those set forth in Part 135 which are applicable to air taxis and common carriers. Nothing

in this section, including subparagraph (b)(2)(G), is intended to authorize the FAA Administrator to treat Alaska guide pilots as de facto Part 135 operators.

#### 152. National Transportation Data Center of Excellence

##### *House Bill*

Section 738: Makes funds available from TEA 21 to establish, at a closed or realigned army depot, a facility to serve as a satellite data repository and to analyze transportation data collected by government and industry.

##### *Senate Amendment*

No provision.

##### *Conference Substitute*

Section 733: House.

#### 153. Foreign repair station advisory panel

##### *House Bill*

Section 726: Panel established by DOT.

12 members as follows:

3 from the unions

1 from cargo airlines

1 from passenger airlines

1 from aircraft repair stations

1 manufacturers

1 from air taxi and corporate aircraft

1 from commuters

1 from Commerce

1 from State

1 from FAA

Requires DOT, by rule, to collect information on balance of trade and safety issues from airlines and repair stations, both U.S. and foreign, relating to work performed on U.S. and foreign aircraft.

Requires collection of information on drug testing at foreign repair stations and encourages DOT to work with ICAO to increase drug testing programs.

Requires DOT to make any relevant non-proprietary information available to the public. Terminates the panel 2 years after the date of enactment or December 31, 2001, whichever occurs first.



### *Senate Amendment*

Section 426: Panel established by FAA.

11 members as follows:

3 from unions

1 from cargo airlines

1 from passenger airlines

1 from aircraft and component repair stations

1 from manufacturers

1 from industry group not mentioned above

1 from DOT

1 from State

1 from FAA

Requires FAA, by rule, to collect information from foreign repair stations to assess safety issues with respect to work performed on U.S. aircraft only. FAA may require this information from U.S. airlines with respect to their use of U.S. repair stations.

Requires collection of information on drug testing at foreign repair stations.

Information collected must be made public.

The panel shall terminate after 2 years. FAA shall report annually to Congress on the number of repair station certificates that were revoked, suspended or not renewed in previous year.

### *Conference Substitute*

Section 734: House provision except FAA establishes the panel. In developing its advice, the panel may consider the similarities and differences in the FAA regulations for initial certification and renewal of those certificates of foreign and domestic repair stations, the similarities and differences in FAA operating regulations of those stations, a comparison of the inspection findings resulting from surveillance, a comparison of the manner in which FAA inspection findings are addressed and documented by the certificate holders and the FAA, a comparison of the number of FAA enforcement actions resulting in a final order of civil penalty or certificate action, and a comparison showing the extent to which maintenance performed by repair facilities has been found to be the probable cause or contributing factor in any accident investigation performed by the NTSB. The panel should also look at the ability of the FAA to adequately oversee foreign repair stations.

## 154. Operations of Air Taxi industry

### *House Bill*

Section 727: Requires the FAA to study the air taxi industry to increase the government and industry's understanding of the size and nature of the industry with a view toward using this information in the context of future regulatory actions.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 735: House

155. National Airspace redesign

*House Bill*

Section 728: States that it is the sense of Congress that the FAA should complete and begin implementing the comprehensive national airspace redesign as soon as possible.

*Senate Amendment*

Section 909: FAA is required to conduct a comprehensive redesign of the national airspace system, and report to the authorizing committees no later than 12/31/00. Authorizes \$12 mil FY2000-2002.

*Conference Substitute*

Section 736: Senate

156. Avoiding duplication of environmental work

*House Bill*

Section 729: Permits an airport to use a completed environmental assessment or environmental impact study for a new project at the airport if the completed assessment or study was for a project that is substantially similar to the new project and meets all Federal requirements for such a study or assessment.

*Senate Amendment*

Section 418: Similar provision.

*Conference Substitute*

Section 737: House

157. FAA consideration of certain state proposals

*House Bill*

Section 731: Encourages the FAA to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

*Senate Amendment*

Section 466: AIP funds may be available for Georgia's regional airport enhancement program.

*Conference Substitute*

Section 738: House.

158. Cincinnati Blue Ash Airport

*House Bill*

Section 732: Allows Blue Ash airport to be sold by the city of Cincinnati to the city of Blue Ash. Subsection (b) makes the revenue diversion restrictions inapplicable to this transaction.

*Senate Amendment*

Section 441: Similar provision, but does not allow for any revenue diversion.

*Conference Substitute*

Section 739: House but make subsection (b) discretionary with FAA. The Managers have accepted a House provision allowing for the sale of Cincinnati-Municipal Blue Ash Airport to the City of Blue Ash, Ohio, in advance of the expiration of current grant assurances in 2003. Blue Ash Airport is an important reliever airport to Lunken Field and the conferees have agreed to this

provision solely because it will extend the current grant assurances at Blue Ash until 2023.

The conferees remain concerned about the FAA's willingness to enforce grant assurances. Therefore the conferees direct that should the Secretary approve the sale, a Memorandum of Understanding (MOU) must first be entered into between the FAA and the City of Blue Ash. The MOU must be enforceable by the FAA and protect the existence of the airport until at least 2023. Should the City of Blue Ash receive federal airport funding during this period the conferees expect normal grant assurances will extend the life of the airport beyond 2023.

#### 159. Aircraft used to respond to oil spills

##### *House Bill*

Section 733: Allows the Defense Department to sell aircraft for use in responding to oil spills.

##### *Senate Amendment*

Section 425: Allows the Defense Department to sell excess aircraft for use in responding to oil spills. Aircraft can be used for secondary purposes as long as they don't interfere with oil spill response. DOT certifies to DOD that recipient is capable of participating in an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

##### *Conference Substitute*

Section 740: Senate except makes clear that if secondary purposes for which the aircraft will be used would require a certificate from the FAA, such a certificate must be obtained before the aircraft can be used for those secondary purposes.

#### 160. Discrimination against computer reservation systems outside the U.S.

##### *House Bill*

Section 734: Allows the secretary of transportation to take action to prevent the a foreign country from discriminating against U.S. computer reservation systems.

##### *Senate Amendment*

No provision.

*Conference Substitute*

Section 741: House.

161. Specialty Metals Consortium

*House Bill*

No provision.

*Senate Amendment*

Section 442: Authorizes FAA to work with domestic metal producers and engine manufacturers to improve the quality of engine materials.

*Conference Substitute*

Section 742: Senate. This section would allow the FAA to work with a proven consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials. Improving the ability of these materials to withstand stress and high temperature will lead to fewer air carrier accidents and improved air safety.

162. International Flight Crew Licensing

*House Bill*

No provision.

*Senate Amendment*

Section 451: Requires FAA to implement a bilateral aviation safety agreement for conversion of flight crew licenses between U.S. and JAA member governments. Attempts to address a rule promulgated by JAA that makes conversion of U.S. licenses to JAA licenses difficult.

*Conference Substitute*

No provision

163. Noise study at Sky Harbor Airport

*House Bill*

Section 741: Directs FAA to study the effect on noise contours of the new flight patterns at Phoenix and report within 90 days on measures to mitigate noise. Report shall be available to the public.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 746: House.

164. Helicopter noise

*House Bill*

Section 742: Directs DOT to study the effects of noise by non-military helicopters and develop recommendations for reducing noise. Helicopter industry and public views must be considered and a report filed in 1 year.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 747: House but limit the study to densely populated areas, such as New York or Los Angeles, in the 48 states. The study should focus on air traffic control procedures rather than new aircraft technology to address the noise problem and should take into account the needs of law enforcement.

165. Newport News, Virginia

*House Bill*

Section 723: The airport shall be released from certain deed restrictions subject to standard conditions imposed in other cases.

*Senate Amendment*

No provision.

*Conference Substitute*

Section 748: House but change “shall” to “may”.

166. Oklahoma Deed Waiver

*House Bill*

No provision.

*Senate Amendment*

Section 445: Allows FAA to waive restrictive terms in a deed of conveyance so that an Oklahoma university may make use of revenues derived from certain airport land only for weather-related and educational purposes that include benefits for aviation.

*Conference Substitute*

Section 751: Senate but require that if the land is sold the airport must receive fair market value for it and that the money should be applied in the first instance to the airport and, if funds remain available, to weather-related and educational purposes that primarily benefit aviation.

167. Grant Parish (LA)

*House Bill*

No provision.

*Senate Amendment*

Section 452: Permits U.S. to release any restrictions on land at the former Pollock Army Airfield (LA), provided the U.S. has access to or use of the lands in the event of national emergency. Clarifies that mineral rights will not be disturbed in any event.

*Conference Substitute*

Section 752: Senate but require that if the land is sold, fair market value must be received for the land and any money so received must be used for airport purposes. Drop reference to mineral rights.

168. Raleigh County (W.Va.)

*House Bill*

No provision.

*Senate Amendment*

Section 449: Allows DOT to release from any terms and conditions in grant agreements for the development or improvement of Raleigh County Memorial Airport (W.Va.), if land not needed for airport purposes.

*Conference Substitute*

Section 753: Senate but require any amount received from a sale to be used for airport purposes.

169. FAA study of Breathing Hoods

*House Bill*

No provision.

*Senate Amendment*

Section 432: FAA shall study whether smoke hoods currently available to flight crews are adequate and report the results within 120 days.

*Conference Substitute*

No provision.

170. Study of alternative power sources for flight data & cockpit voice recorders

*House Bill*

No provision.

*Senate Amendment*

Section 433: FAA shall report on the need for alternative power sources for FDRs and CVRs within 120 days. If NTSB issues recommendations on this subject soon, FAA shall report to Congress the FAA's comments on the NTSB's recommendations rather than conducting a separate study.

*Conference Substitute*

Section 755: Senate



## 171. TARDIS

### *House Bill*

No provision.

### *Senate Amendment*

Section 447: Requires the FAA to develop a national policy and procedures regarding the Terminal Automated Radar Display and Information System and sequencing for VFR ATC towers. TARDIS is an uncertified radar display system in use by controllers at 7 small facilities.

### *Conference Substitute*

Section 756: Senate.

## 172. 16G Seats

### *House Bill*

No provision.

### *Senate Amendment*

Section 448: Requires FAA, in consultation with DOT IG, to conduct a cost-benefit analysis prior to issuing a final rule on its decade-old proposal to retrofit aircraft with 16G seats.

### *Conference Substitute*

Section 757: Modified Senate provision. FAA shall form a working group to make recommendations on ways to reduce the cost and time of certifying aircraft seats and restraints.

## 173. Sense of Senate, Northern Delaware

### *House Bill*

No provision.

*Senate Amendment*

Section 458: Sense of Senate that DOT should include northern Delaware in any Part 150 study for Philadelphia International Airport, that DOT should study moving the approach causeway for the Philadelphia airport from Brandywine Hundred to the Delaware River, and that DOT should study increasing the standard altitude over the Brandywine Intercept from 3,000 to 4,000 feet.

*Conference Substitute*

Section 758: Senate

174. Tourism

*House Bill*

No provision.

*Senate Amendment*

Section 422: Establishes a task force for international visitor assistance. Requires the Secretary of Commerce to complete a satellite system of accounting for the travel and tourism industry. Authorizes funding for tourism promotional activities. Requires annual report to Congress.

*Conference Substitute*

No provision

175. Cabin Air Quality Study

*House Bill*

No provision.

*Senate Amendment*

Section 459: Requires DOT to study sources of air supply contaminants of aircraft and air carriers to develop alternatives to replace engine and auxiliary power unit bleed air as a source of air supply.

*Conference substitute*

Section 725: Requires FAA to contract with the National Academy of Sciences for an independent study of the air quality in passenger cabins. The study should identify contaminants in aircraft air, the toxicological and health effects, if any, of these contaminants, and how these contaminants enter the aircraft. The study

should also compare the levels of these contaminants in the passenger cabin to such levels in a public building. This comparison should be done by measuring the air during actual commercial flights. If a problem is found, the study should develop recommendations for improving cabin air quality. This should include an assessment of whether health problems would be reduced by the replacement of recycled air with fresh air.

## 176. National Park Overflights

### *House Bill*

Title VIII: Requires commercial air tour operators to conduct air tour operations over a National Park or tribal lands within or abutting a National Park in accordance with an approved air tour management plan (ATMP). Prior to commencing air tour operations over a National Park, a commercial air tour operator must apply to the Administrator of the FAA for authority to conduct operations over the park. The Administrator of the FAA would prescribe operating conditions and limitations for each commercial air tour operator, and in cooperation with the Director of the National Park Service (NPS), develop an ATMP.

### *Senate Amendment*

Title VI: Similar provision

### *Conference substitute*

Title VIII: Commercial air tour operators must conduct commercial air tours over national parks or tribal lands in accordance with applicable air tour management plans (ATMP). Before beginning air tours over a National Park or tribal land, a commercial air tour operator must apply to the FAA for authority to conduct the tours. No applications shall be approved until an ATMP is developed and implemented. FAA shall make every effort to act on an application within 24 months of receiving it. Priority shall be given to applications from new entrant air tour operators. Air tours may be conducted at a park without an ATMP if the tour operator secures a letter of agreement from the FAA and the park involved and the total number of flights is limited to 5 flights in any 30-day period. If the ATMP limits the number of air tour flights over a park, FAA, in cooperation with the Park Service, shall develop an open competitive process for choosing among various air tour firms. In making a selection, the firms' safety record, experience, financial capability, pilot training programs, responsiveness to Park Service needs, and use of quiet aircraft shall be taken into account.

FAA, in cooperation with the Park Service, shall establish an air tour management plan (ATMP) for any park at which someone wants to provide commercial air tours. The ATMP shall be developed with public participation. It could ban air tours or establish restrictions on them. It will apply within a half a mile outside the boundary of the park. The plan should include incentives for using quiet

aircraft. Prior to the establishment of an ATMP, the FAA shall grant interim operating authority to operators that are providing air tours. This interim authority may limit the number of flights. Interim operating authority may also be granted for new entrants if (1) it is needed to ensure competition in the provision of air tours over the park and (2) 24 months have passed since enactment of this Act and no ATMP has been developed for the park involved. Interim operating authority should not be granted to new entrants if it will create a safety or a noise problem.

The above shall not apply to the Grand Canyon, tribal lands abutting the Grand Canyon, or to flights over Lake Mead that are on the way to the Grand Canyon.

FAA shall establish standards for quiet aircraft within 1 year or explain to Congress why it will be unable to do so. Quiet aircraft may get special routes for Grand Canyon air tours and may not be subject to the cap on the number of flights there.

Air tours over the Rocky Mountain National Park are prohibited. Reports are required on the effect of overflight fees on the air tour industry and on the effectiveness of this title in providing incentives for the development and use of quiet aircraft.

This provision is not intended to interfere with FAA's sole jurisdiction over airspace.

Except for section 808, dealing with methodologies used to assess air tour noise, this title does not apply to Alaska.

## 177. Research, Engineering and Development

### *House Bill*

No provision. However, on September 15, 1999, the House passed related legislation (H.R. 1551, House report 106-223). Of the amounts authorized for Airport Technology Projects and activities in FY 2000, the House Science Committee intends that at least \$1,500,000 shall be for obligation for grants or cooperative agreements awarded through a competitive, merit-based process to carry out research on innovative methods of using concrete in the design, construction, rehabilitation, and repair of rigid airport improvements. To the extent practicable, the Administrator shall consider awards to universities, and non-profit concrete pavement research foundations that would ensure industry participation. Of the amounts authorized to be appropriated for the Airport Technology Projects and activities in FY 2001, the Committee intends that at least \$2,000,000 shall be for this purpose. The Committee recognizes that taxpayers spend \$2 billion a year on runway pavements construction and maintenance.

Investing today in research to develop longer-lasting and more reliable runways has the potential to save millions of dollars later.

#### *Senate Amendment*

Title XIII: Authorizes \$240 million for FY 00, \$250 mil for FY 01, and \$260 million for FY 02. Encourages cooperation, nonduplication and integrated planning. Requires FAA and NASA by 3/1/00 to submit an integrated civil aviation research and development plan. The abstracts related to research grants will be published on the FAA home page. Research on life of aircraft to include nonstructural aircraft systems. Requires FAA to develop and transmit a plan for the continued implementation of Free Flight Phase I for FY03-FY05, to include budget estimates for continuing operational capabilities. Sense of Senate that FAA should develop a national policy to protect the frequency spectrum used for GPS, and to expedite the appointment of U.S. Ambassador to the World Radio Communication Conference.

#### *Conference Substitute*

Title IX: Combines the Senate bill and H.R. 1551. Authorizes funding for fiscal years 2000, 2001, and 2002 at \$224 million, \$237 million, and \$249 million respectively.

Of the amounts authorized for Airport Technology Projects and activities, that \$1,500,000 in FY 2000 and \$2,000,000 in FY in 2001 may be for grants of cooperative agreements to carry out research on innovative methods of using concrete in the design, construction, rehabilitation, and repair of rigid airport pavements. The Administrator shall consider awards to non-profit concrete pavement research foundations that would ensure industry participation.

Winglet efficiency/ wake vortex—The conferees recommend that such sums as necessary be expended for research, prototyping, and flight testing winglet efficiency/wake vortex technology, which reduces fuel consumption and reduces the severity of wake vortex creation potential allowing more efficient spacing of aircraft. The Managers also direct FAA to work in consultation with NASA on this research.

High Speed Technologies. The Managers have been made aware of high-speed technologies that are being developed that could provide expedited delivery of goods. Such technologies have other capabilities. The Managers direct the Administrator to report, by letter, on FAA actions to facilitate the use of such technologies within low-orbit and traditional air traffic procedures.

### *Present Law*

The present-law Airport and Airway Trust Fund provisions in the Internal Revenue code (the “Code”) authorize expenditures from the Trust Fund through September 30, 1998, for the purposes provided in specified previously enacted authorization Acts (sec. 9502). Permitted expenditure purposes under these Acts are those as in effect on the date of enactment of the Federal Aviation Reauthorization Act of 1996.

### *House Bill*

The House bill includes provisions expanding Airport and Airway Trust Fund expenditure purposes to include expenditures provided for in (1) the House bill and (2) appropriations Acts enacted after 1996 and before the House bill. The House bill further includes provisions to discourage future Trust Fund expenditures for purposes not approved in the Code provisions.

### *Senate Amendment*

No provision. However, S. 2279, as previously passed by the Senate, included provisions identical to those in the House bill

### *Conference Substitute*

The conference agreement includes the provisions of the House bill, with modifications to conform the Airport and Airway Trust Fund expenditure purposes of the conference agreement.

## 179. Budgetary treatment

### *House Bill*

Title IX and X. Takes the aviation trust fund off budget.

### *Senate Amendment*

No provision.

### *Conference Substitute*

The conference includes a compromise provision.

## 180. Whistleblower Protection for airline employees

### *House Bill*

Title VI: Prohibits airlines and their contractors or subcontractors from taking adverse action against an employee whom provided or is about to provide (with any knowledge of the employer) any safety information. Requires complaints be filed within 180 days. Establishes procedures to protect whistleblowers. Provides \$5,000 penalty for an employee that files a frivolous complaint. Defines contractor. Establishes civil penalties for violations.

### *Senate Amendment*

Section 419: Prohibits airlines and their contractors or subcontractors from taking adverse action against an employee whom provided or is about to provide any safety information. Requires complaints be filed at DOL within 90 days. Establishes procedures to protect whistleblowers. Defines contractor. Establishes civil penalties for violations. Frivolous complaints are governed by Rule 11 of the Federal Rules of Civil Procedure.

### *Conference Substitute*

House provision but reduce the penalty for frivolous complaints to \$1,000.

## 181. Centennial of Flight Commission

### *House Bill*

Section 720: Makes technical changes to legislation passed last year (P.L. 105-389) establishing a Commission to help celebrate the 100<sup>th</sup> anniversary of the Wright Brothers first flight.

### *Senate Amendment*

No provision.

### *Conference Substitute*

No provision. Addressed in Public Law 106-68.

## 182. Allocation of Trust Fund Spending.

### *House Bill*

No provision.

### *Senate Amendment*

Section 428: Treasury shall annually report to DOT on the aviation taxes collected in each State and DOT shall annually report to Congress the State dollar

contribution to the Aviation Trust Fund and the amount of AIP funds that were made available by State.

*Conference Substitute*

No provision.

183. Sense of the Senate on airport property taxes

*House Bill*

No provision.

*Senate Amendment*

Section 423: Sense of the Senate that property taxes be assessed fairly and a specific tax in Oregon should be repealed.

*Conference Substitute*

No provision.

184. Monroe Regional Airport land conveyance

*House Bill*

Section 739: Waives deed restrictions to permit Monroe to sell airport land as long as the city receives fair market value for the land and the amount it receives is used for airport purposes or for investment in an industrial park that will pay more rent as a result of that investment.

*Senate Amendment*

Section 440: Authorizes DOT to waive deed restrictions to permit Monroe to sell airport land as long as the city receives fair market value for the land and the amount it receives is used for airport purposes or for investment in an industrial park that will pay more rent as a result of that investment.

*Conference Substitute*

No provision.

185. Automated Weather forecasting system



*House Bill*

Section 740: Directs FAA to contract with the National Academy of Sciences to study the effectiveness of automated weather forecasting services at flight service stations that do not have human weather observers. Report required in 1 year.

*Senate Amendment*

No provision.

*Conference substitute*

No provision.

186. Bankruptcy, Rolling Stock Equipment

*House Bill*

No provision.

*Senate Amendment*

Section 439: Amends Sec. 1110 of the Bankruptcy Code to clarify its operation and remove the ambiguity created by recent federal court decisions in the Western Pacific bankruptcy case. Because of this litigation, uncertainty exists in the international financial community regarding whether Sec. 1110 effectively protects both lessors and lenders in connection with bankruptcy adjudication.

*Conference Substitute*

Senate

187. Coordination

*House Bill*

No provision.

*Senate Amendment*

Section 101(b): The authority granted the Secretary under section 41720 does not affect the Secretary's authority under any other provision of law

*Conference Substitute*

Section 231: Senate

188. Reliever airports

*House Bill*

No provision.

*Senate Amendment*

Section 205(e): Changes definition of public-use airport to make privately owned reliever airports ineligible for grants if they did not receive an AIP grant before 1997, and the FAA has issued revised administrative guidance for the designation of reliever airports.

*Conference Substitute*

No provision.

MISCELLANEOUS PROVISIONS

*Security.* The Managers believe that vigilance must be constantly maintained in the civil aviation security program. An indispensable element of that program is the employment history verification requirement that 14 C.F.R. sections 107.31 and 108.33 impose on those persons seeking unescorted access to any secured area of U.S. airports. ~~Airport operators and air carriers are responsible for conducting or making sure not only~~ that their employees are subject to such verifications but also that tenant and contractor employees undergo the same employment history scrutiny.

The Managers understand that the Federal Aviation Administration is developing audit procedures to determine compliance with the verification requirement. Members of the aviation community, including airport operators and airlines, are submitting comments responding that proposal. The Committee urges the FAA to complete promptly a workable audit program that appropriately reflects input from affected members of the aviation community. The FAA is currently conducting a fingerprint background check pilot program. If this proves successful, the FAA should consider expanding the program to Category X airports.

*The Southern California Region Airspace Utilization.* The conferees urge the FAA to study airspace utilization in the southern California region as part of the National Airspace Redesign. This study will help the region to determine how to handle increasing demands for cargo and passenger air service and effectively address future transportation issues.

*Broadcasting series.* An effective, efficient, and safe aviation system improves American's quality of life and strengthens our Nation's ability to compete in the global economy. It is important that the public understands the vital role that aviation plays in our Nation's advancement. The conferees strongly encourage that funds authorized for FAA Operations be made available to fund a public service series on the changing face of aviation in the 21<sup>st</sup> Century. The series should highlight technological and programmatic advances in aviation safety and operations.

*Feasibility study.* The Managers direct the FAA to proceed with the planned study for the Louisiana Airport Authority outlined in the FAA December 7, 1999 memo. This study should include the feasibility of an inter-modal facility, take into account existing aviation assets, and, if feasible, work with the appropriate management.

*Cargo.* Air cargo is growing faster than any other aviation industry, approximately 6.6% per year. With this type of growth, the conferees recognize the need to evaluate the air cargo distribution process. We urge DOT to conduct an intermodal study of the air cargo supply chain to identify system weakness and potential efficiencies to ensure the U.S. air cargo system can meet the needs of air freight in the 21<sup>st</sup> century.